S. Hrg. 100-1013

FEDERAL, STATE, AND LOCAL DRUG ENFORCEMENT AND INTERDICTION EFFORTS ALONG THE SOUTHWEST BORDER

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE
94-410
WASHINGTON : 1989

5181-21

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

COMMITTEE ON APPROPRIATIONS

JOHN C. STENNIS, Mississippi, *Chairman*

ROBERT C. BYRD, West Virginia
WILLIAM PROXMIRE, Wisconsin
DANIEL K. INOUYE, Hawaii
ERNEST F. HOLLINGS, South Carolina
LAWTON CHILES, Florida
J. BENNETT JOHNSTON, Louisiana
QUENTIN N. BURDICK, North Dakota
PATRICK J. LEAHY, Vermont
JIM SASSER, Tennessee
DENNIS DeCONCINI, Arizona
DALE BUMPERS, Arkansas
FRANK R. LAUTENBERG, New Jersey
TOM HARKIN, Iowa
BARBARA A. MIKULSKI, Maryland
HARRY REID, Nevada

MARK O. HATFIELD, Oregon
TED STEVENS, Alaska
LOWELL P. WEICKER, Jr., Connecticut
JAMES A. McCLURE, Idaho
JAKE GARN, Utah
THAD COCHRAN, Mississippi
ROBERT W. KASTEN, Jr., Wisconsin
ALFONSE M. D'AMATO, New York
WARREN RUDMAN, New Hampshire
ARLEN SPECTER, Pennsylvania
PETE V. DOMENICI, New Mexico
CHARLES E. GRASSLEY, Iowa
DON NICKLES, Oklahoma

Francis J. Sullivan, *Staff Director*
Mary A. Shields, *Chief Clerk*
J. Keith Kennedy, *Minority Staff Director*

Subcommittee on Treasury, Postal Service, and General Government

DENNIS DeCONCINI, Arizona, *Chairman*

WILLIAM PROXMIRE, Wisconsin
BARBARA A. MIKULSKI, Maryland
JOHN C. STENNIS, Mississippi, *ex officio*

PETE V. DOMENICI, New Mexico
ALFONSE M. D'AMATO, New York
MARK O. HATFIELD, Oregon, *ex officio*

Professional Staff
Robert E. Mills
Rebecca M. Davies *(Minority)*

CONTENTS

Page

Statement of Pete V. Domenici, U.S. Senator from New Mexico 3

Statement of James C. Piatt, Regional Commissioner, Southwest region, U.S. Customs Service, Department of the Treasury 7

  Prepared statement 10

Statement of James E. Bowen, Senior Tactical Coordinator, Operation Alliance, and Chief Patrol Agent, Immigration and Naturalization Service, Department of Justice 20

  Prepared statement 25

Statement of Thomas W. Smith, Assistant Special Agent in Charge, Denver Division, Drug Enforcement Administration, Department of the Treasury 32

  Prepared statement 33

Statement of William L. Lutz, U.S. attorney, District of New Mexico, Department of Justice 35

  Prepared statement 37

Statement of Dr. Robert Kemble, secretary, New Mexico Department of Public Safety 55

Statement of James W. Wilson, director, Narcotics Enforcement Coordination Team, New Mexico Department of Public Safety 55

Statement of Neil W. Curran, chief of police, State of New Mexico 55

Statement of D.F. "Duffy" Swan, State campaign chairman, red ribbon campaign, and chief executive officer, US West Communications 55

Prepared statement of Dr. Robert Kemble 61

Statement of Lt. Joseph Polisar, commander, Career Criminals and Repeat Offenders, Albuquerque Police Department 75

Statement of Mick Gutierrez, assistant district attorney, chief prosecutor, drug unit, Third Judicial District, New Mexico 75

Statement of Dr. Howard Overby, superintendent, Portales Municipal Schools 75

  Prepared statement 77

Prepared statement of Lt. Joseph Polisar 83

FEDERAL, STATE, AND LOCAL DRUG ENFORCEMENT AND INTERDICTION EFFORTS ALONG THE SOUTHWEST BORDER

SATURDAY, SEPTEMBER 10, 1988

U.S. Senate,
Subcommittee on Treasury, Postal Service,
and General Government,
Committee on Appropriations,
Albuquerque, NM.

The subcommittee met at 9 a.m., in the Albuquerque Public School-Technical Vocation Institute boardroom, Albuquerque, NM, Hon. Dennis DeConcini (chairman) presiding.

Present: Senators DeConcini and Domenici.

Also present: Senator Bingaman.

NONDEPARTMENTAL WITNESSES

Senator DeConcini. Good morning, ladies and gentlemen. The Subcommittee on Treasury, Postal Service, and General Government will come to order.

Today the Senate Appropriations Committee is delighted to be in Albuquerque, NM, to conduct an important field hearing on the efforts by Federal, State, and local law enforcement agencies to stop the flow of drugs across the Southwest border.

This hearing will attempt to build a record on the drug interdiction efforts along the entire United States-Mexico border, but particularly along the border of New Mexico.

We have held hearings, Senator Domenici and myself, in Arizona and one in New Mexico before, and they are extremely helpful in building a good sound record for the appropriations process. The subcommittee is very pleased to have the distinguished lineup of witnesses representing both the Federal drug enforcement agencies and various law enforcement agencies and organizations from the State of New Mexico. I look forward to these hearings and their testimony.

Before we begin with our first panel of witnesses I want to take just a moment to thank my good friend and colleague, Senator Jeff Bingaman, for requesting these hearings and for his efforts in putting them together. It wasn't easy getting three schedules all together at the same time, and we had to shift some dates. Jeff, thank you for your continued persistence and also for the tremendous effort that you have given to the war on drugs through the Senate Armed Services Committee. It's been outstanding and has made a real difference as to where we are today and where we're going to be in the future.

Of course, I'm always delighted to be with my friend and ranking member, Senator Domenici. As the ranking member of this subcommittee on appropriations, he has been a tremendous asset to the Senate and to New Mexico and most of all to this Senator, helping us pass the bill, which by the way we did this week, just a couple of days ago. We were able to pass the appropriations subcommittee bill through the Senate for the first time since 1980 and it wouldn't have happened without Senator Domenici's help.

We will ask the witnesses today to summarize their positions. We have your statements—I was looking at them this morning myself—and the staff has reviewed them. So actually just summarize the statements.

Before I yield to my colleague, I would like to suggest that we proceed in that manner. We have limited time and an abundance of questions we'd like to ask you. I have a number of questions and I'm sure my colleagues do too, so I would ask that we follow those rules. I now will yield to Senator Domenici.

Senator DOMENICI. Thank you very much, Mr. Chairman. Senator Bingaman, it's a pleasure to have you join us here and I, too, appreciate your encouraging our subcommittee to have this hearing. We had one some time ago in Las Cruces, and I think it's appropriate that we be here.

PREPARED STATEMENT

I have some detailed remarks that kind of portray the history of funding and successes of the past 8 or 10 years in the interdiction area and ask the chairman, may those go on the record without objection.

Senator DECONCINI. Sure.

[The statement follows:]

STATEMENT OF SENATOR PETE V. DOMENICI

I AM PLEASED TO BE HERE IN ALBUQUERQUE THIS MORNING FOR THIS VERY IMPORTANT HEARING ON SOUTHWEST BORDER DRUG ENFORCEMENT AND INTERDICTION. I MUST SAY HOW GOOD IT IS TO HAVE THE CHAIRMAN OF MY SUBCOMMITTEE, MY FRIEND AND COLLEAGUE FROM OUR NEIGHBOR STATE OF ARIZONA, SENATOR DECONCINI, HERE WITH US IN NEW MEXICO. WE ARE ALSO PLEASED TO HAVE SENATOR BINGAMAN JOINING OUR SUBCOMMITEE FOR THIS HEARING THIS MORNING.

SENATOR DECONCINI AND I HELD SIMILAR HEARINGS LAST AUGUST IN NOGALES, ARIZONA, AND HERE IN NEW MEXICO -- IN LAS CRUCES. SENATOR BINGAMAN SUGGESTED THAT WE HOLD SUCH A HEARING IN ALBUQUERQUE. WE THOUGHT IT WAS AN EXCELLENT IDEA, ESPECIALLY IN LIGHT OF THE FACT THAT THE SENATE IS ABOUT TO CONSIDER LEGISLATION TO STEP UP OUR EFFORTS TO WIN THE WAR AGAINST ILLEGAL DRUGS.

THIS IS NOT A PROBLEM WE HAVE IGNORED IN WASHINGTON. SUBSTANTIAL INCREASES IN FUNDING AND RESOURCES HAVE BEEN AVAILABLE IN RECENT YEARS TO COMBAT THE DRUG PROBLEM, WITH SPENDING FOR INTERDICTION, LAW ENFORCEMENT AND PREVENTION PROGRAMS UP BY 100 TO 400 PERCENT. THESE PROGRAMS ARE PRODUCING RESULTS. SEIZURES OF COCAINE ARE UP FROM 1.7 TONS IN 1981 TO 70 TONS IN 1987; SEIZURES OF HEROIN ARE UP FROM 460 POUNDS IN 1981 TO 1,400 POUNDS IN 1987. DRUG CONVICTIONS DOUBLED BETWEEN 1982 AND 1986.

NO ONE NEEDS TO TELL OUR WITNESSES THIS -- MANY OF THEM REPRESENT AGENCIES SERVING ON THE FRONT-LINES OF OUR DEFENSE AGAINST THE ILLEGAL DRUG SMUGGLER. WE COMMEND YOU ALL FOR THE TREMENDOUS JOB YOU ARE DOING TO PREVENT THE FLOW OF ILLEGAL DRUGS ACROSS OUR NATION'S BORDERS.

THIS SUBCOMMITTEE HAS CONTINUED TO BE SUPPORTIVE IN PROVIDING THE RESOURCES NECESSARY TO HELP YOU IN YOUR EFFORTS. IN 1986, SENATOR DECONCINI AND I WERE SUCCESSFUL IN URGING THE PRESIDENT TO CREATE OPERATION ALLIANCE -- A MULTI-AGENCY

COORDINATED DRUG EFFORT NOW OPERATING TO STOP THE FLOW OF ILLEGAL DRUGS ALONG THE MEXICAN BORDER. THIS EFFORT ENCOMPASSES FEDERAL, STATE AND LOCAL LAW ENFORCEMENT. WE HAVE WORKED TO SEE THAT ASSETS SEIZED FROM THE DRUG TRADE ARE SHARED WITH STATE AND LOCAL PARTICIPANTS AND TO PROVIDE STATE AND LOCAL LAW ENFORCEMENT AUTHORITIES ENHANCED CAPABILITIES TO ASSIST US IN OUR FEDERAL OPERATIONS. SINCE FISCAL YEAR 1986, THE CUSTOMS SERVICE HAS ADDED AN ADDITIONAL 1,244 PERSONNEL ALONG THE SOUTHWEST BORDER, OF WHICH AN ADDITIONAL 62 HAVE BEEN PLACED IN NEW MEXICO. WE HAVE BUILT UP THE CUSTOMS AIR INTERDICTION PROGRAM AND WE ARE SEEING A NUMBER OF THE ADDITIONAL ASSETS COMING ON LINE. SIX RADAR BALLOONS -- CALLED AEROSTATS -- ARE NOW SCHEDULED TO BE PLACED ALONG THE SOUTHWEST BORDER. THESE AEROSTATS WILL INCREASE OUR CAPABILITY TO DETECT LOW-FLYING SUSPECT AIR SMUGGLERS. THE FIRST OF THESE AEROSTAT BALLOONS IS NOW OPERATIONAL IN ARIZONA. THE SECOND WILL BE OPERATIONAL BY THE END OF THIS YEAR JUST OUTSIDE OF DEMING, NEW MEXICO. THIS AEROSTAT WILL BE LINKED INTO A COMMAND CENTER WHICH JUST OPENED LAST MONTH AT MARCH AIR FORCE BASE IN CALIFORNIA. OUR RADAR CAPABILITY WILL FURTHER BE ENHANCED WITH THE NEW CUSTOMS P-3 PLANE CARRYING A 360 DEGREE RADAR PROVIDING US WITH INCREASED MOBILE RADAR CAPABILITIES. THIS PLANE HAS JUST BEEN DELIVERED AHEAD OF SCHEDULE AND UNDER BUDGET. UPON DETECTION, CUSTOMS AIRCRAFT USED TO TRACK AND APPREHEND DRUG SMUGGLERS ARE DEPLOYED FROM A NUMBER OF OUR AIR BRANCHES SCATTERED IN THE SOUTHWEST, INCLUDING THE ONE LOCATED HERE IN ALBUQUERQUE.

DRUG INTERDICTION IS A TREMENDOUS TASK. WE HAVE HAD SOME GREAT SUCCESSES. WE HAVE INCREASED THE NUMBER AND QUANTITY OF DRUGS SEIZED, AS WELL AS THE NUMBER OF PEOPLE ARRESTED. HOPEFULLY, SOME DRUG TRAFFICKERS HAVE GOTTEN OUT OF THE TRADE, AND WE HAVE DETERRED OTHERS FROM ENTERING IT. HOWEVER, WE ARE NOT YET WINNING THIS WAR. THE PRODUCTION OF ILLEGAL NARCOTICS FOR IMPORTATION INTO

THIS COUNTRY CONTINUES TO OUTSTRIP OUR BEST EFFORTS. THE THREAT HERE IS HIGH; OFFICIALS CONTINUE TO ESTIMATE THAT ROUGHLY ONE-THIRD IF THE HEROIN, ONE-THIRD OF THE MARIJUANA, AND ONE-THIRD OF THE COCAINE ENTERING THE UNITED STATES COMES ACROSS OUR SOUTHERN BORDER. NO MATTER HOW MANY DRUG TRAFFICKERS CEASE TO OPERATE, THE CONTINUED HIGH PROFITABILITY OF THE DRUG TRADE YIELDS ANOTHER TRAFFICKER READY TO TAKE HIS PLACE. AS WE ATTEMPT TO SEAL OFF OUR BORDERS, THE SMUGGLERS ARE OUT-THINKING US, FINDING NEW WAYS TO EXPLOIT OUR WEAKNESSES, AND TO REROUTE THEIR OPERATIONS AROUND US.

THE SAD TRUTH REMAINS THAT THE DEMAND FOR DRUGS IN THIS COUNTRY CONTINUES TO CREATE AND SUSTAIN THE ILLEGAL DRUG TRADE. WE HAVE ALL HEARD THE STATISTICS. THIRTY-SEVEN MILLION AMERICANS USED ILLEGAL DRUGS LAST YEAR, MORE THAN 23 MILLION USING DRUGS AT LEAST MONTHLY. HALF OF ALL HIGH SCHOOL SENIORS HAVE EXPERIMENTED WITH ILLEGAL DRUGS. DRUG ABUSE KILLS THOUSANDS OF AMERICANS ANNUALLY; IT TEARS OUR FAMILIES APART; PUTS OUR CHILDREN AT RISK, AND HAS BROUGHT VIOLENCE TO OUR STREETS AND NEIGHBORHOODS. DRUG USE HAS LOWERED THE POTENTIAL AND PRODUCTIVITY OF OUR CITIZENS.

I AM CONVINCED -- AND I HAVE TOLD THE PEOPLE OF NEW MEXICO THIS -- THAT EFFORTS TO ATTACK THE SUPPLY OF DRUGS WILL NOT SUCCEED UNLESS THEY ARE ACCOMPANIED BY EFFORTS TO ATTACK DEMAND. WE CAN NO LONGER CONDONE OR TOLERATE THE USE OF DRUGS IN THIS COUNTRY, NOT FOR RECRETIONAL USE, NOT IN ANY AMOUNT. IT MUST BE THE POLICY OF THE UNITED STATES TO BE DRUG-FREE BY 1995. IT WILL TAKE A MAJOR COMMITMENT OF MONEY, RESOURCES, AND TIME, BUT I BELIEVE WE MUST SET THIS GOAL FOR OURSELVES.

WE HAVE A NUMBER OF DISTINGUISHED WITNESSES TESTIFYING BEFORE US TODAY. I WELCOME YOU ALL. WE WILL HEAR FROM FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICIALS FIGHTING

THIS PROBLEM OF ILLEGAL DRUGS DAILY. WE WILL HEAR FROM THOSE PROSECUTING DRUG CASES. WE WILL HEAR HOW OUR STATE GOVERNMENT IS RESPONDING. AND WE WILL HEAR FROM EDUCATION OFFICIALS COMBATING THIS PROBLEM IN OUR SCHOOLS. WE ARE INTERESTED IN YOUR VIEWS ON WHERE WE STAND IN OUR WAR AGAINST ILLEGAL DRUGS; WHAT IS WORKING OR NOT WORKING SO WELL; AND WHAT MORE NEEDS TO BE DONE TO RESPOND TO THIS NATIONAL CRISIS.

I LOOK FORWARD TO THE TESTIMONY AND TO A FULL DISCUSSION OF THESE ISSUES. THANK YOU.

Senator DOMENICI. I would just like to tell the law enforcement people that are here that I really can't quite feel your frustration; obviously, working in the drug field, be it prosecuting or trying to interdict, must be frustrating. As I see it, we have to continue to give you the resources and get you to be as modern as possible to try to compete with those who are bringing drugs into this country.

But I would like to tell you that I understand that even with new resources that from time to time it must appear to be a losing battle for all of you. We are not winning this war. You're doing better; we're giving you more resources; you're prosecuting more, putting more people in jail, but essentially we're barely keeping pace. It's absolutely incredible to have the statistics that indicate that 37 million Americans used illegal drugs last year. More than 23 million are using drugs at least monthly. One-half of all high school seniors as best we can get the numbers, have experimented with illegal drugs.

And then to top it off, the night before last, the big news was that even the National Football League players are abusing drugs—and they're supposed to be the role models for our young kids. The great New York Giant linebacker, for example, has to be suspended right now because they test him and he's got drugs in his blood.

I think we ought to tell you, since most of the law enforcement leadership is here, that many of us think the country is about to change direction and go after the user as well as the seller. We have not done that. I mean, it's obvious the use of illegal drugs is legal, or you wouldn't have television reports of Lawrence Taylor using drugs.

The use of illegal drugs is legal in the United States, even though the statutes say it's illegal. So I think the time will come, not in the next 3 or 4 weeks, but I'm almost sure sometime within the next year Congress will pass the policy changes saying the country's got to be, drug free and those who use illegal drugs have got to be punished. We've got to find some ways to do that in a uniform manner across the land after giving plenty of notice to everyone. We're going to have to say that, whether rich or poor, either for recreation or otherwise, people have got to be punished for using drugs as well as for selling them and bringing them into the country.

I think that's absolutely got to happen. We've got to spend more on education also, although I feel bad to have to tell you that the experts that talk to us say you won't educate people out of the use of drugs. You might put a damper to them. We've just to change the whole attitude of the country in some dramatic way. So we're going to try to do that while you continue to muster all your enthusiasm to stop the drugs coming in and to arrest those who are dealing in drugs.

Thank you very much, Mr. Chairman.

Senator DECONCINI. Thank you, Senator Domenici. Senator Bingaman?

Senator BINGAMAN. Mr. Chairman, let me also thank you and Senator Domenici, for bringing the subcommittee to Albuquerque for this hearing. I think it's a sign of your commitment to the issue, and I know you have held a series of hearings on this issue and have really taken the lead in developing the new legislation that is going to be before the Congress in the next few weeks.

I agree that this problem is multifaceted, and I know the solution depends on better law enforcement, better interdiction, and better education. We must do better at all the different strategies to help reduce the incidence of drug use in the country. Clearly we have to determine where it makes sense to put our resources.

I know the proposal you've been working on contemplates, as I understand it, putting about 60 percent of our resources on the demand side, into education and reducing demand, and about 40 percent of our resources into the supply side. I think that's an issue we need to explore.

I've had conversations with you in the past about the nature of the problem here in the Southwest. We have a peculiar problem, and of course you're extremely well situated to understand that, because of your time in the Senate and your experience as district attorney along the border in Pima County. We greatly appreciate your being here today, and I look forward to the testimony.

Senator DECONCINI. Thank you very much, Senator Bingaman. I would just like to add that I think a lot more can be done on the Federal level even under the budget constraints and problems we have, but we need to do it wisely and we need the advice of counsel here to bring these things about.

STATEMENT OF JAMES C. PIATT, REGIONAL COMMISSIONER, SOUTHWEST REGION, U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

Senator DECONCINI. So we'll start this morning with the Regional Commissioner, Mr. Piatt. If you would summarize your statement, we do have questions. We will go ahead and take all the summaries of the statements and then to go to the questions.

Mr. PIATT. Thank you, Mr. Chairman, Senator Domenici, Senator Bingaman. I am grateful for this opportunity to be here in Albuquerque today and discuss with you the drug smuggling problem that we as a Nation face on our southern border.

This morning I'll be providing you with a threefold view of all the U.S. Customs Service drug interdiction effort with a special emphasis on our operations in the State of New Mexico.

New Mexico's southern border is 181 miles long. With the exception of the ports of entry of Antelope Wells and Columbus, the border is delineated only by markers and a barbed wire fence. There are no impediments to land smuggling by foot, vehicle, or animal pack train.

During the past year we have intercepted 498 pounds of marijuana at those two ports of entry but smuggling activities around the ports are facilitated by all weather roadways which closely parallel the border on both sides.

Air smuggling activities throughout New Mexico continue to increase. The lack of efficient radar coverage combined with a multitude of available landing and air drop sites make the State an ideal place for air smuggling operations. In fact, our recent debriefings of two apprehended air smugglers indicate that their organizations are well informed about the deficient radar coverage in eastern and south central New Mexico.

Radar coverage in southern New Mexico particularly in the Animas and Playas valleys is completely ineffective below 6,000 feet and is considered unreliable at altitudes up to 10,000 feet. The Customs Service is taking steps to counter this threat. The U.S. Customs Aerostat installation is being constructed near Deming. Upon completion, it should significantly restrict the undetected flow of aircraft into the United States across the New Mexico border.

Mr. Chairman, I am pleased to have Joe Beaver present with me today. Mr. Beaver is currently the deputy director of the Customs National Aviation Center in Oklahoma City and was previously assigned to our Albuquerque area. At the conclusion of my remarks, he will be available to answer any questions you might have about the Customs air program.

You will shortly hear from Mr. Bowen about Operation Alliance. The Customs Service is an active and enthusiastic participant in this cooperative endeavor. It is essential that law enforcement agencies work together to win the war against this common enemy. In New Mexico, we have cross-designated 150 U.S. border patrol agents with Customs, U.S. Code title 19, search authority. There are an additional 88 State and local officers who have been trained to receive cross-designated status with the Customs Service.

Just as we are committed to working with these other agencies, so are we committed to sharing with them the assets that we seize from the drug traffickers that we are fighting against. Under our assets sharing program, Customs disperses valuable seized equipment to other law enforcement agencies. Equipment which they in turn can utilize to fight drug smuggling.

During the past 2 years we have turned over more than $138,000 in seized aircraft and vehicles and equipment to Federal, State, and local law enforcement agencies in New Mexico. This includes a $20,000 Cessna 337 aircraft which was turned over to the Eddy County sheriff's office last week, and a Cessna 170 valued at $18,000 which was turned over to the Luna County sheriff's office last week.

We are currently processing requests for three additional aircraft for the Permian Basin task force and the Clovis Police Department and sheriff's office, and Socorro County sheriff's office.

Today as we actively pursue drug smugglers, the Customs Service is sending a message to drug users as well. The message is that illicit drug use will no longer be tolerated by the American people. Our Zero Tolerance Program instituted in March of this year is really the sixth part of the Customs drug strategy. Thus far we have focused on eradication, interdiction, investigation, education, and rehabilitation. Under zero tolerance we are pursuing the sixth part of that strategy which is user accountability.

The introduction of narcotics into the United States is a crime, regardless of the quantity. It is, therefore, the policy of the Customs Service to arrest every person caught crossing the border with a measurable amount of drug. If the person is in his or her own personal vehicle, it will be seized and forfeited to the Government.

Customs inspectors are not spending additional time looking for small quantities of narcotics. On the contrary, they search thousands of cars every day for large quantities of drugs and other contraband. During the course of their searches they frequently encounter drugs in personal use quantities.

In the past, individuals in possession of these lesser amounts were merely assessed a small administrative penalty and permitted to leave. Essentially, they received a slap on the wrist. That is no longer our response. This is a tough policy but a necessary one. To insure its fair and judicious application, Customs has appointed an ombudsman in Washington to review all zero tolerance cases.

We realize that it is of the utmost importance that we minimize and eventually eliminate the market for illicit and illegal drugs and to that end the Customs Service has developed an active drug awareness campaign to educate the public about the dangers of drug use and to inform potential participants about our 1-800 Be Alert toll free hotline.

The public is encouraged to play a part in the fight against drugs by reporting drug smuggling to the U.S. Customs Service via this confidential hotline, which is operated 24 hours a day, 7 days a week. These presentations entitled "You can help" are given by Customs officers to community, civic and school groups upon request. Many have already been given in Albuquerque, Deming, and Ruidoso. Currently six cases have been opened in New Mexico as a result of these calls to our hotline.

PREPARED STATEMENT

Mr. Chairman, this concludes my opening statement. Mr. Beaver and I will be happy to answer any questions that you or the other committee members may have.

[The statement follows:]

STATEMENT OF JAMES C. PIATT

Mr. Chairman and members of this Hearing, as Regional Commissioner of the Southwest Region for the U.S. Customs Service, I welcome this opportunity to submit this statement for the record. The U.S. Customs Service is the foundation for narcotics interdiction along the Mexican border. Our efforts in cooperation with and support of other Federal, State and Local law enforcement personnel have produced dramatic results.

I understand these hearings will focus on our activities in New Mexico. In this statement I will provide you with a synopsis of enforcement results, descriptions of priority programs, a threat assessment for the state and a brief description of the U.S. Customs personnel assigned to New Mexico with an overview of the activities they perform:

NEW MEXICO
ENFORCEMENT RESULTS
FISCAL YEAR 1988 - TO SEPTEMBER 1, 1988

Arrests:		85
Indictments:		65
Convictions:		53
Seizures:		
	Marijuana	11,157 Pounds
	Cocaine	231 Pounds
	Aircraft	7
	Vehicles	44
	Currency	$1,134,619

These statistics include Operation Alliance cases handled for DEA by U.S. Customs, and nine arrests and corresponding seizures involved in Air Cases which were the result of Albuquerque Air Investigations, although the actual arrests and seizures were made in other jurisdictions when the case culminated.

Current open investigations: 41 in the Deming office; 33 in the Albuquerque office; and 20 in the Las Cruces office.

OPERATION ALLIANCE

Operation Alliance as the name implies is a cooperative law enforcement program created to reduce jurisdictional boundaries in our continuing quest for better narcotics interdiction and enforcement. While there are only three Customs Agents cross-designated with DEA in New Mexico, the size of the state often necessitates that all Customs Investigators become fully involved in Alliance drug enforcement activities. When a law enforcement response is required, the agent nearest the event generally responds, in a true spirit of cooperation.

In New Mexico there are 150 U.S. Border Patrol Agents who have been cross-designated with Customs U.S. Code Title 19 authority. There are an additional 88 State and Local Officers who have been trained to receive cross-designated status with the Customs Service. We are waiting for Memorandum's of Understanding to be signed with other agencies of that these Officers can be given ID cards stating their cross-designated status.

ASSET SHARING FOR 1987 - 1988

Through our asset sharing program the following equipment has been dispersed to federal, state and local law enforcement agencies:

New Mexico State Police

3	Vehicles	Value	$11,175
1	Aircraft (Cessna Saratoga)	Value	$70,000
1	Aircraft (Cessna 210) leased at $1 per year		
32	Motorola voice privacy radios		

Eddy County Sheriff's Office

1	Aircraft (Cessna C-337)	Value	$20,000

Presentation scheduled for September 6, 1988.

Luna County Sheriff's Office

1	Aircraft (Cessna C-170)	Value	$17,000
	Presentation scheduled for September 12, 1988.		
3	Voice privacy radios		

U.S. Border Patrol

1	1988 Ford F-350 pickup truck With stock trailer.	Value	$23,000

The Sheriff's Departments in the following counties have also received Motorola voice privacy radios:

Dona Ana County	5
Dona Ana County Metro - Narcotics	6
Grant County	2
Hidalgo County	3
Total	16

The following requests for Asset Sharing are still pending:

1	Aircraft	Permian Basin Task Force
1	Aircraft	Eddy County Sheriff's Office
1	Aircraft	Clovis Police Department & Sheriff's Office
1	Aircraft	Soccoro County Sheriff's Office

BE ALERT - YOU CAN HELP

This program was developed by U.S. Customs to encourage individuals within our communities to report possible narcotics related activities. There have been 25 calls received on this "Hot Line" from New Mexico. Six U.S. Customs cases have been opened as a result of these referrals. The Immigration and

Naturalization Service made eight arrests as a result of "Hot Line" information.

In addition to receiving information through this program Customs Officers made presentations to concerned civic groups. Multiple presentations on the Be Alert program, currency awareness, and You Can Help program where made to the communities in New Mexico.

ZERO TOLERANCE

ZERO TOLERANCE is an effort to punish drug users as well as drug traffickers. Zero tolerance is really the sixth part of the government's drug strategy. The strategy has been to focus on Eradication, Interdiction, Investigation, Education and Rehabilitation. These are all important and must be continued, but the sixth part of the strategy, user accountability, needs to be pursued as well. People who bring drugs into the United States are committing a crime, they need to face the consequences of their actions, regardless of the amount of drugs involved. It is the policy of the Customs Service to arrest every person caught crossing the border with any measurable amount of drugs. These persons will be prosecuted and they will have a criminal record. If the person is crossing the border in his or her personally owned conveyance, that conveyance will be seized and forfeited to the government. It is a tough strategy. To ensure that it is also fair and judicious, Customs has appointed a zero tolerance ombudsman to review zero tolerance cases.

Some say that while Customs is out looking for small amounts of drugs, we are missing the larger amounts. The opposite is true. Our officers search thousands of cars and other conveyance crossing the border every day. They are searching for large quantities of drugs and other contraband in these searches. If they discover a small amount of drugs during the search, the person who was crossing the border with those drugs will now, under the zero tolerance policy, be arrested, prosecuted and be given a criminal record. Before, that person would have merely paid a small administrative fine and been permitted to leave.

New Mexico Zero Tolerance Case Results:

Total Cases	4
Federal Prosecutions	2
State Prosecutions	2

There were 34 declinations on other Port seizures because the cases did not meet New Mexico Zero Tolerance guidelines. These guidelines include a three pronged test:

1. A Usable Amount
2. A Usable Condition, and
3. A Prosecutable Case

(IE. "Seeds" are not "Usable", "Sweepings" are not in a "Usable Condition", and you "Must" be able to tie the drugs to a "Specific Individual".)

THREAT ASSESSMENT - STATE OF NEW MEXICO

LAND SMUGGLING:

The New Mexico land border with Mexico begins at Anapra in the center of the El Paso Metropolitan area-and ends at the Arizona Border in the Coronado National Forest. The land border is 181 miles long, and is delineated only by markers and a barbed wire fence. There are no impediments to land smuggling by foot, vehicle or animal pack train. Narcotics smuggling is a continuing illicit activity in the area. Intelligence reports indicate that the number of smuggling activities have increased while the size of the loads have been reduced to minimize losses when interdiction occurs. Smuggling activities in this area are facilitated by the all-weather roadways which closely parallel the border on both sides.

AIR SMUGGLING:

Air smuggling activities throughout New Mexico continue to increase. The lack of efficient radar coverage, combined with a multitude of available landing and air drop sites, makes the State of New Mexico an ideal location for Air Smuggling Operations. Evidence of this was obtained during the debriefings of three separate cooperating defendants, involved with two different smuggling organizations.

Customs is taking steps to counter this threat. A U.S. Customs Aerostat (Radar Balloon) installation is presently being constructed to the south of Deming, New Mexico. Upon completion, this should significantly restrict the undetected flow of aircraft into the United States along the New Mexico Border.

CURRENCY THREAT:

There are currently 150 commercial banks, and savings and loan institutions in the State of New Mexico. Prior to 1986, there was little enforcement of currency violations in the southern New Mexico area. One bank, in the Deming area, had an increase of over 50% in deposits where the currency can be traced to Mexican point of origin, with no corresponding increase in monetary instrument reporting forms which should have been filed with Customs when the currency entered the U.S.

During fiscal Year 1987, currency seizures increased by 500% over Fiscal Year 1986. Cooperation with local banking institutions is at an all time high and is expected to continue. The continued decline of the Mexican Peso, and the general economic situation in Mexico, will only tend to further escalate the flow of currency into the United States.

PERSONNEL ASSIGNMENTS

Albuquerque, New Mexico

Air Operations:

Chief - Al Sousa

43 Pilots, Air Interdiction Officers and Radar Operators

Assets: 1 Radar Equipped Piper Cheyenne (PA-44)
1 Blackhawk UH-60 Helicopter
6 Other Support Aircraft

The Albuquerque Air Operations Branch encompasses all air interdiction operations in the state of New Mexico and West Texas.

Investigations:

Resident Agent in Charge (RAC) - Garland "Duke" Arnold

14 Criminal Investigators

The Albuquerque RAC office was established in August, 1984. Since May, 1987, the office has been increased from three agents and investigators to 14 positions. Major areas of investigation are Air Smuggling, Currency, Exodus, Fraud and the Organized Crime Drug Enforcement Task Force. There are seven positions assigned full time to Air Smuggling Investigations.

Commercial Operations:

Port Director - Michael Brady

2 Inspectors

The Port of Albuquerque is located at the International Airport. There are no direct arrivals of commercial aircraft. Cargo cleared at this location is sent in-bond from other ports of entry within the U.S.

Inspectional enforcement actions at this port of entry during FY 1988 include:

- Nine merchandise seizures with a combined domestic value of $110,000.00.

Columbus, New Mexico

Port Director - Jessie Saldivar

2	Supervisory Inspectors
1	Senior Inspector
9	Inspectors
2	Canine Officers

The Port of Columbus is located thirty-two miles south of Deming NM, and is a open 24 hours a day. The principal commodities imported through this port of entry are cattle (Imported Value of the cattle equaled $44,059,405.39 in the first eleven months of FY 1988) and wooden picture frames (Imported value of $9,236,437.00 during the first eleven months of FY 1988).

Enforcement actions taken at this port of entry during the first eleven months of FY 1888 included:

- 48 seizures of narcotics for a total weight of 264.64 pounds of marijuana.
- 46 merchandise seizures with a total domestic value of $4,248,815.00.

Antelope Wells, New Mexico

Station Director - John Gordon

1 Inspectors

The Port of Antelope Wells is a station under the Port Director at Columbus, New Mexico, and is located in the southwest corner of New Mexico in the Playas Valley, it is a 8 hour port, with little traffic other than local ranchers. The principal commodity imported is agricultural implements.

Enforcement actions at this station consisted of:

- Two seizures of narcotics for a total weight of 233.14 pounds of marijuana .

Crawford Airport, Santa Teresa, New Mexico

Staffed as needed from Inspectors stationed at El Paso.

This airport is a designated "International" airport. It is operated on a twenty four hour basis with a minimum of 2 hours advanced notice of arrival required. During FY 1988, 34 airplanes with a combined total of 34 crew and 112 passengers cleared Customs at the Crawford Airport.

Santa Teresa Airport, Santa Teresa, New Mexico

1 Inspector

The airport is located approximately 20 miles west of El Paso, Texas. It is operated on a fully reimbursable basis. The Airport was opened for service on August 19, 1987. The facility is open for business eight hours a day, five days a week.

Plans are underway to make Santa Teresa a land border crossing. Initially the port will only be utilized for the purpose of exporting/importing equipment to and from Mexico which will be used to construct the access highway on the Mexican side, and to build the Port facilities, cattle pens, railroad crossing and other associated facilities on both the U.S. and Mexican sides of the border.

During FY 1988, 41 airplanes with a combined total of 59 crew and 105 passengers cleared Customs at the Santa Teresa Airport.

Deming, New Mexico

Investigations:

Resident Agent in Charge (RAC) - Donnie W. Daniels
9 Criminal Investigators
2 Criminal Investigators (Las Cruces Sub Office)

The Deming RAC office was established in October, 1986. Since April, 1987, the staff has been increased from two Criminal Investigators to nine. The Las Cruces Sub Office was established in June, 1987, and is staffed with two Special Agents. Major areas of investigations are Land/Border Smuggling, Air Smuggling, Currency, and Operation Exodus.

STATEMENT OF JAMES E. BOWEN, SENIOR TACTICAL COORDINATOR, OPERATION ALLIANCE, AND CHIEF PATROL AGENT, IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Senator DECONCINI. Fine, thank you very much. I do want the record to show the tremendous cooperation that we've gotten, particularly from you and your regional office on hearings on your efforts and different problems along the borders of Arizona, New Mexico, Texas, and California. Well, your district doesn't carry that far, but I wanted to note those fine efforts that are covered by your district. It's been very, very helpful.

Mr. Bowen, thank you for being with us. We appreciate the fine work of the border patrol and the fact that you're involved in Operation Alliance. Would you summarize your statement, and then we have some questions for you, sir.

Mr. BOWEN. I'd like to thank you, Mr. Chairman and the other members of the panel for the opportunity to appear before you today, and I hope the information we're able to provide you will be of assistance to you in the role you have in the war on drugs.

As you're aware, Operation Alliance is the largest inter-agency operation of interdiction that's ever been attempted by the Federal Government.

Operation Alliance is basically run by a joint command group which consists of senior field managers from 10 Federal agencies and representatives from the four border States. The State of New Mexico is very fortunate to have Chief Neil Curran of the New Mexico State Police as its representative to the joint command. Chief Curran has created an excellent program within the State of New Mexico and has brought a tremendous amount of expertise and valuable insight to the joint command.

Operation Alliance was formed to foster inter-agency cooperation and to interdict the flow of drug, weapons, aliens, currency, and other contraband across the Southwest border. It is our purpose to take away the smugglers' traditional routes and disrupt their operations and force them to try new, untried routes and they continually have to use new and inexperienced couriers.

Through the asset forfeiture programs of the Drug Enforcement Administration and the U.S. Customs Service, it is our intention to take away as much of the profits that they've accumulated as possible.

To the extent that the State and local agencies involved in Operation Alliance participate with the Federal agencies in these endeavors, they are able to share in the assets obtained from the smugglers. This in effect sets up a direct transfer of funds from the smugglers to the State and local agencies to assist them in their law enforcement endeavors.

I believe that Operation Alliance has been successful for four basic reasons. One is the unique structure of the alliance, which allows it to function outside the normal bureaucratic system. The unprecedented cooperation which the alliance has fostered among Federal agencies and the high degree of cooperation that the Federal and State and local agencies have been able to develop through the sharing of authority along those agencies through cross designation with other participating agencies.

Another key improvement has been the improvement in available intelligence for law enforcement. The El Paso Intelligence Center has done an outstanding job in providing the intelligence which they receive in a usable manner to law enforcement agencies. While we have a long way to go in this area, the improvement has been significant and we're looking forward to even better results.

Our ability to pursue. Federal prosecution has been enhanced by the addition of investigators and prosecutors along the Southwest border. Our ability to present cases, however, in a number of areas is exceeding the court system's ability to handle these cases.

The cooperation that we've received from the State and local agencies and many county prosecutors in the border area has significantly improved our ability to insure that all people who are arrested for drug violations are prosecuted.

Operation Alliance functions in a number of different ways. Probably the most important and the. least recognized of those is the fact that all the agencies involved continue to conduct their day-to-day operations with special emphasis on narcotics interdiction. Each of these agencies conducts its own special initiatives on a localized basis, using its own assets which are designed to fit its particular need.

These agencies also participate in multiagency operations with Operation Alliance funding the coordination and equipment. Operation Alliance has run a series of mobile corridors since 1986. These operations move up and down the border in an unpredictable manner in an attempt to keep the smugglers off guard.

We've also established a number of border smuggling groups along the Southwest border and also a number of air smuggling, groups to address the air threat. These groups handle all of the interdiction referrals for prosecution and conduct followups and interdiction investigations in the border area.

Within New Mexico we have a border alliance group operating in the Las Cruces-Deming area and an air smuggling group operating in Albuquerque. A number of these groups, especially in the smaller metropolitan areas have become the primary drug enforcement entities for these areas. A good example or this is the border smuggling group in Yuma, AZ, which has as participants virtually all the State and local agencies and all the Federal agencies within the county.

It is always difficult to determine how effective a drug interdiction program is and whether or not any of the seizures that are made would have been made had that operation not taken place. I'll restrict the use of statistics to just one and that is the set of statistics drawn from the El Paso Intelligence Center data base, and it covers a period of 9 months immediately preceding the formation of the alliance, from October until June 1986, and the same comparative period in this fiscal year.

In 1986, in that period there were 55,000 kilos of marijuana seized along the border. In that same period in 1988 there were 127,000 kilos of marijuana seized. Even more impressive is that in 1986 there were 850 kilograms of cocaine seized and in 1988 in that period there were 9,053 kilograms of cocaine seized.

In addition to this year, the agencies participating in Operation Alliance have been responsible for the seizure of over $14,400,000 in cash, 292 weapons, 1,945 vehicles, and 12 aircraft. In addition to this, the Internal Revenue Service has reported over $14 million in fines, penalties, and seizures to us as being drug related.

The State of New Mexico is in an unusual situation in that the majority of the drugs which are introduced into the State come from its neighboring States and not across the Southwest border. Only 4.2 percent of the overall threat on the Southwest border for marijuana, only 3 percent for opiates, and less than 1 percent for cocaine are being smuggled across the Southwest border into the State of New Mexico.

Senator DeConcini. Excuse me, Mr. Bowen, how do you know that.

Mr. Bowen. That's based on the intelligence assessments produced by the El Paso Intelligence Center, an it's based on intelligence reports and actual seizures along the border.

Senator DeConcini. Thank you.

Mr. Bowen. The air smuggling threat for New Mexico is slightly higher than the land border smuggling threat. It's been set based on intelligence assessments provided by the El Paso Intelligence Center as about 8 percent of the total.

The fact that the largest threat to New Mexico comes from its neighboring States was recognized by enforcement officials in New Mexico some time ago. This is clearly evidenced by the tact that they were the driving force in the establishment of Operation Pipeline which is considered to be one of the most successful programs ever developed in the drug interdiction field. Operation Pipeline was developed to interdict drugs being transported across the United States by couriers.

Representatives from the State of New Mexico and the Drug Enforcement Administration now travel all over the United States to provide training to other law enforcement agencies throughout the country under this program. This is well received in every area where it has been.

This concludes my testimony in relation to Operation Alliance. I have also been requested by Commissioner Nelson to provide a brief summary on the border patrol's activities in the border area.

Senator Domenici Thank you.

Mr. Bowen. This will be just very short.

Senator DeConcini. Yes.

Mr. Bowen. Under Operation Alliance, the border patrol has been designated as having primary responsibility for drug interdiction between the ports of entry. The border patrol participates in the mobile response teams and the mobile corridors as well as conducting a number of special operations throughout the. border area.

These operations are divided basically into three categories. There are region-wide operations, inter-sector and intra-sector operations. The El Paso sector, which covers the State of New Mexico, conducted eight of those operations, accounting for 3,500 pounds of marijuana, 175 pounds of cocaine, and $119,000 in cash.

It should be noted that the U.S. border patrol has no statutory authority for drug interdiction. Since 1986, the border patrol agents working along the Southwest border have been cross-designated with a limited variation of title 21 by the Drug Enforcement Administration. This has recently been expanded to cover all border patrol agents throughout the Nation.

In conjunction with this, the Customs Service has cross-designated the majority of the border patrol agents in the border area with the limited version of title 19. To further enhance the border patrol's efforts in drug interdiction as well as their primary responsibility for interdiction of aliens, the border patrol is employing at the present time 45 dogs, 2 of which are assigned to the State of New Mexico. These dogs are capable of scenting out not only people who are concealed in vehicles and trucks but can also detect money which has been handled by drug smugglers and drugs. These dogs also play a major role in the border patrol's drug education program.

During the months of May, June, and July of this year, border patrol agents stationed in the State of New Mexico have visited 50 schools and made their drug presentations to over 4,400 students within the State.

The border patrol will be hiring during this month 1,392 agent trainee positions. Of these positions, 720 are being hired to cover normal attrition, and 672 are being hired to raise our on-duty force on the United States-Mexico border by 450 agents over the previous levels.

The patrol currently has approximately 150 agents assigned to nine stations in the State of New Mexico. Through the filling of vacant positions and addition of new positions, we hope to increase this number by approximately 100.

In addition to the border patrol's role in Operation Alliance, the INS criminal alien removal program is proving to be a valuable tool in the war on drugs as well as to law enforcement agencies in general. The criminal alien program is designed specifically to work with law enforcement agencies around the country.

A good example of what this program can do took place in Fort Worth, TX, a couple of weeks ago when the border patrol assisted the Fry County task force in serving a number of search warrants in the Fort Worth area. Eighty-one percent of the subjects arrested in this operation were aliens.

Special agents of the investigation division of INS also play an increasingly significant role in the organized crime drug enforcement task forces. The additional jurisdiction brought by INS to this program has significantly increased their ability to deal with the ethnic groups involved in a number of these enterprises.

Finally, of the increasing responsibility being placed on INS because of its role in drug interdiction and drug programs, it is more important than ever that the Immigration and Nationality Act be amended to give immigration officers general arrest authority.

PREPARED STATEMENT

In closing, I'd just like to say that the border patrol plays a major role in Operation Alliance and it is our intention to continue to strive to improve our immigration capabilities. INS is proud of the role that we are playing in the Nation's war on drugs and we look forward to meeting challenges in the future. I'd be glad to answer any questions that the panel has.

[The statement follows:]

STATEMENT OF JAMES E. BOWEN

Mr. Chairman, I would like to thank you and the other members of the Subcommittee for the invitation to appear before you today. I appreciate the opportunity to provide you with information about the Immigration and Naturalization Service's role in drug interdiction along the Southwest border.

Under Operation Alliance, the Border Patrol has been designated with primary responsibility for drug interdiction between the ports of entry on our Southern land border. Although primarily charged with prevention and detection of persons illegally entering the United States, the Patrol has developed and maintains a high degree of expertise in the field of drug interdiction. Border Patrol officers are highly trained, bilingual, and possess a knowledge and understanding of the Southern border and its inhabitants that can only be acquired after more than half a century of continual physical presence on the border. In addition, the Patrol is literally the only permanent enforcement presence between established ports of entry on the borders.

To meet this new responsibility of drug interdiction the strategy is to expand the use of technology such as low light level television camera's and sensors, establish mobile response teams which can react quickly to penetrations, and the cross designation of authority for law enforcement personnel.

Mobile response teams, more commonly known as Mobile Corridors, have been in operation along the Southwest Border since September of 1986. The intent of a mobile corridor operation is to provide additional resources (manpower, equipment, intelligence) to a designated area along the Southwest Border for a limited time. The factors determining the location of the operation are based on a current threat assessment provided by EPIC, historical information on drug smuggling methods and routes, and current intelligence received from Border Patrol Sector Headquarters along the Southwest Border.

The objective of the corridor is to not only interdict drugs, contraband and aliens but disrupt the drug traffickers operations. This disruption will cause the smuggler to take risks he normally would not take, thereby increasing his chances of being apprehended.

A typical Corridor consists of detailing 48 Border Patrol Agents, 14 DEA Agents, and 12 Customs Officers to several selected areas along the Southwest Border for a period of 30 to 60 days. Eight corridors have been completed and Corridor number 9 is currently in operation.

In addition to the Mobile Corridors, Border Patrol conducts Special Operations. These operations are divided into 3 categories, Regional, Inter-Sector, and Intra-Sector, and are dependent mainly on utilization of local resources, supplemented by Overtime pay. Special Operations provide for faster activation to address an immediate threat and utilization of manpower that's familiar with the area to be worked.

El Paso Sector which covers the State of New Mexico and West Texas, has held 8 such operations, accounting for:

Marijuana	3,507 lbs
Cocaine	175 lbs
Currency	$119,100
Vehicle Seizures	26
Alien Apprehension	7104

It should be noted that agents of the U.S. Border Patrol have no statutory authority to interdict drugs. From 1973 through August 1986, seizures made by these officers were made on the basis of a citizens arrest. Since August 1986 Border Patrol Agents along the Southwest Border, working under Operation Alliance, have been cross designated with limited Title 21 Drug Enforcement Authority. This gives Border Patrol Agents the legal authority to interdict drugs. In May of 1988, Administrator Lawn of the Drug Enforcement Administration, authorized the cross designation of ALL Border Patrol Agents. In conjunction, U.S. Customs has cross designated a limited number of Border Patrol Agents with Title 19 authority which expands the agents' border search authority.

..To further enhance the Border Patrol enforcement efforts in apprehending illegal aliens, the Patrol has purchased 45 Sniffer dogs, two of which are assigned to stations in New Mexico. These dogs are not only capable of sniffing out people, but can also detect money, and drugs.

These dogs also play a major role in the Border Patrol's Drug Education/Demand Reduction Program. The Patrol has taken this program to the streets in an attempt to help educate the population about the illegal use of drugs. During the months of May, June, and July, 1988, Border Patrol Agents from stations in the State of New Mexico visited 50 schools, and 8 civic organizations. In doing so, the Drug 'Awareness Program was presented to 4,414 students ranging from Kindergarden thru high school, and 121 adults. In six presentations the Border Patrol K-9 (sniffer dogs) and their handler took part in the program.

During this same time period, two television presentations were made. One for PBS Station in Alamogordo, New Mexico, in which one

Border Patrol K-9 took part, and the other for KRWG TV in Las Cruces, New Mexico.

To further enhance drug interdiction operations Border Patrol Sectors along the Southwest border have performed traffic check, linewatch, transportation check activities and conducted numerous joint operations with state and local law enforcement agencies. Presently, the Border Patrol is receiving equipment, such as helicopters, night scopes, and ground sensors, from the military through the Department of Defense, and we are also exploring other areas where military equipment may be of value.

The Border Patrol will be hiring 1392 Agent Trainees during September 1988. Of the 1392 new trainees, 720 are being hired to cover normal attrition from the existing on duty force and 672 are being hired to raise the on duty force along the United State/Mexico border by 450 positions.

The Patrol currently has approximately 150 Agents assigned to nine stations in the State of New Mexico. Through the filling of vacant positions and the addition of new positions, we hope to increase that number by approximately 100 agents over the next few months.

During this fiscal year the Border Patrol along the Southwest border has been responsible for the apprehension of 802,168 Illegal Aliens and the following drug related seizures:

	No. of Seizures	Amount (lbs.)	Persons Arrested
Marijuana	2117	213,914.94	1449
Cocaine	239	8,260.12	223
Heroin	68	54.08	61
Dan. Drugs	115	3,415,990(du)	102
Monetary Instruments	72	$2,637,169.00	
Weapons	147		
Vehicles	483		
Aircraft	1		
Vessels	0		
Other Assets	0		

In addition to the Border Patrol's role in Operation Alliance, the INS Criminal Alien Removal Program provides a valuable service to not only the War on Drugs but to law enforcement in general. Law enforcement agencies throughout the nation have been aware of the involvement of aliens in drug trafficking and other criminal enterprises for a long time. The Criminal Alien Program is designed specifically to work with law enforcement agencies around the country to address this serious problem. A good example of how this program can assist in the War on Drugs took place a few weeks ago in the Ft. Worth, Texas area. The Border Patrol assisted the Tri-county Task Force in serving a series of search warrants on crack houses. Eighty one percent of the subjects arrested in this operation were aliens. INS detainers have been placed on these aliens and as soon as the judicial process is completed deportation proceedings will be instituted against them.

Special Agents of the Investigations Division of INS play an increasingly significant role in the Organized Crime Drug Enforcement Task Force (OCDETF). The individuals selected for these positions have completed specialized training by DEA at the National academy at Quantico, Virginia. This training coupled with the bi-lingual ability of INS Special Agents and the additional jurisdiction of the immigration statutes greatly enhances the program's ability to deal with ethnic Organized Crime and major Illicit Drug Enterprises.

The Inspections Division of INS also plays an important role in drug interdiction. Whereas the Border Patrol operates between the ports of entry, Inspections operates at the ports of entry. It is Inspections' responsibility to control the flow of aliens, through the ports of entry, into the United States as well as to assist in stemming the flow of illegal narcotics. Many narcotics apprehensions are made at ports of entry during the inspectional process.

Commencing in 1986, groups of experienced Inspectors and Supervisory Inspectors were given highly specialized training to form Terrorist, Drug and Fraud (TDF) task force teams. These TDF teams travel to various ports of entry training inspectors on detection and interdiction techniques and performing "blitz" operations. The blitz operations are designed to assist the local officers in identifying trends in fraudulent and criminal activities at their respective ports and to increase the effectiveness of the port in seizures, fraud apprehensions and prosecutions.

Finally, with the increasing responsibility placed upon INS it is now more important than ever that the Immigration and Nationality Act be amended to grant General Arrest Authority to officers of the Immigration and Naturalization Service.

Under General Arrest Authority, officers of the INS would be allowed to "perform any other law enforcement duty that the Attorney General may designate"

and

"Make an arrest without a warrant for any offense against the U.S. committed in the Officer's presence or for a felony, cognizable under the laws of the U.S. committed outside the officers presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony."

In closing, Mr. Chairman, I would just say that the Border Patrol plays a major role in Operation Alliance. It is our intention to continue to strive to improve our interdiction capabilities along the border. The INS is proud of the role we are playing in our nation's War on Drugs and we look forward to meeting the challenges that face us in the future.

Thank you, Mr. Chairman, I would be glad to answer any questions you may have.

Senator **DeConcini**. Thank you, Mr. Bowen. Mr. Smith, I want to thank you very much for traveling from Denver. I presume that's where you came in from.

Mr. **Smith**. Sir, I'm stationed here.

Senator **DeConcini**. Oh, you're stationed here. I thought you were from Denver.

Mr. **Smith**. Thank you.

Senator **DeConcini**. I want to thank you for the work you're doing. You can proceed with summarizing your statement on behalf of the Drug Enforcement Administration.

STATEMENT OF THOMAS W. SMITH, ASSISTANT SPECIAL AGENT IN CHARGE, DENVER DIVISION, DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF THE TREASURY

PREPARED STATEMENT

Mr. **Smith**. Chairman DeConcini, Senator Domenici, Senator Bingaman, I am happy to represent the Drug Enforcement Administration here today. I will be very brief, as you've already heard, primarily about Operation Alliance already, and I think our statement is accurate as to what our position is in the State of New Mexico.

Along the Southwest border, we have a very small commitment of manpower, primarily in Las Cruces, and, therefore, we rely heavily upon the cooperation of the other members of the alliance, particularly Customs, border patrol, New Mexico State Police, and the Las Cruces unit that operates down there in order to assist us in whatever activities occur down there.

The Drug Enforcement Administration is heavily committed to Operation Alliance in New Mexico. We attempt to do as much as we can with what we have. If you have any questions, I'd be happy to answer them. Thank you.

[The statement follows:]

STATEMENT OF THOMAS W. SMITH

Chairman Deconcini, Senator Domenici, members of the Committee on Appropriations, I am pleased to appear before you today to discuss the Drug Enforcement Administration's operations within the State of New Mexico.

The Judicial District of New Mexico is under the responsibility of DEA's Denver Division. Within the state we have a district office located in Albuquerque and a resident office in Las Cruces.

DEA presently has an authorized manpower allocation within the State of New Mexico of 21 special agents and two diversion investigators. With the limited manpower available, DEA relies heavily upon the cooperation and assistance of the various federal, state, and local law enforcement agencies within the state in our efforts to deter the drug problems in New Mexico.

This committee has already heard testimony regarding the efforts of Operation Alliance along the Southwest Border. In cooperation with U.S. Customs Service, U.S. Border Patrol, the State of New Mexico, the Las Cruces/Dona Ana County Metro Narcotic Task Force, and other New Mexico Sheriff's Offices along the border area of New Mexico, DEA is an active participant in this most important operation.

The Drug Enforcement Administration is at the forefront of investigative expertise and technology regarding the clandestine manufacture of illicit drugs. Intelligence indicates that over the past two years the State of New Mexico has become a primary source area for this type of illicit drug traffic. It is in this area that DEA's Albuquerque Office necessarily devotes a large percentage of its workforce.

Throughout the state, we endeavor to provide assistance to our counterparts within the law enforcement community. New Mexico currently ranks fifth in the nation in clandestine laboratory seizures. In one clandestine laboratory alone, we seized enough methamphetamine to produce over 50 million dosage units.

Precursor monitoring legislation pending at both the state and federal level will be of considerable benefit to address this growing area of abuse within New Mexico.

It may be of interest to the enforcement community in New Mexico that, during the past year, DEA has approved equitable sharing requests for over $1 million to New Mexico state and local law enforcement agencies to assist in their narcotic enforcement efforts.

DEA intends to continue to focus its efforts toward providing assistance to all enforcement entities within New Mexico. We believe that the task is too great for any of us, and that only through a wholehearted cooperative effort can we make a significant impact upon the drug problem in New Mexico.

Mr. Chairman, I thank you for the opportunity to address this committee. I will be pleased to answer any questions you may have.

STATEMENT OF WILLIAM L. LUTZ, U.S. ATTORNEY, DISTRICT OF NEW MEXICO, DEPARTMENT OF JUSTICE

Senator DECONCINI. Mr. Lutz, we've had the pleasure of your professional testimony before this committee in the past, and we appreciate this. You've been very helpful to Senator Domenici and I in constructing some of the appropriations process, and we thank you for the fine job you're doing here as the U.S. attorney. We'd like to hear your statement.

Mr. LUTZ. Senator DeConcini, Senator Domenici, and Senator Bingaman. The 5 districts that face our border in the United States account for all 5 of the 93 districts, yet those 5 districts account for 15.9 percent of the criminal cases filed in U.S. district courts by the United States during fiscal year 1987. The resources that we have in assistant U.S. attorneys only account for 9 percent of the total resources available.

I think the fact that we are able to be as effective as we are is a credit to the assistants and the work force. Sometimes they don't get that. But I think that shows the problems and the pressures we're facing with drugs along our south border.

The fact that these small districts, some of which like New Mexico, are not very populated, account for such a high percentage of the total criminal cases in the United States.

As I noted in my statement, we faced a tremendous increase in cases here in New Mexico. I think this is typical all over the southwestern border. Last August when I appeared before this subcommittee, I talked a little bit about the relationship between Metro Narcotics and the DEA. Since then I think efforts have improved even more. DEA, Customs, and border patrol colocated an office in Las Cruces and are working together with Metro Narcotics. They've worked out schedules to respond to drug seizures in the middle of the night when the border patrol is at other areas along the border, such that one night it may be a Customs agent, and the next night it might be a member of the Metro Narcotics squad, and the next night a DEA agent. I point this out because I think that's how the system should operate. All our agencies that have authority for enforcement of the drug laws working together, not considering whose turf it is, but considering getting the job done.

It isn't any formal task force or anything like that, they just got together.

Last August, Chief Curran of the New Mexico State Police mentioned in his testimony that we should consider opening an office. During the last year I've been working with the executive office of U.S. attorneys and hopefully by November of this year, we will open an office in Las Cruces, NM, staffed by two attorneys as core personnel.

Unfortunately, with the resources available, it's being taken out of our existing resources here in New Mexico.

Senator DECONCINI. You're getting no new attorneys for that?

Mr. LUTZ. No; no new attorneys. We've had to operate this year, as I mentioned in my testimony, at 91 percent of authorized strength because of funding. This is not just New Mexico. This is national restrictions.

We hope that this committee has been working hard to increase the funds available.

This certainly affects our ability to appropriate funds. Hopefully with the addition of that office we'll be better able to serve the southern part of New Mexico.

Mr. Smith has been extremely supportive of the efforts of Operation Alliance in southern New Mexico and has been working hard to get us additional DEA agents.

I think one of the good facts of Operation Alliance is that they increase the number of investigators that were pumped in initially because they have the initial responsibility for interdiction. Now as a result of, those interdiction efforts, I think we're beginning to identify people here in the United States that are involved in drug smuggling.

And I think that one of the critical things that the Committee on Appropriations should look at is additional DEA agents for the Southwest border. We're simply in the position right now that we have persons identified but we don't have the agents to really investigate those cases in the manner in which they should be investigated. It's not because the agents aren't working. They're working long hours, probably far more than they're authorized. But I think the effort of the alliance would be much more effective if we increase the number of agents on the Southwest border.

The final thing that I would like to speak to in addition to the problems of our office operating at 91 percent is the plight of the Federal judiciary. I think when you look at the case load, the Southern District of Texas out of Houston to Brownsville and Laredo, the Southern District of California, San Diego, were first and second in cases filed last fiscal year.

Our district, which is a very small district, was 21st out of 93. We've had no new additions in the Federal judiciary. One of the problems that we now face in New Mexico, one of the judges advised me earlier this week that New Mexico ranks fifth in the criminal case load per judge in the United States. That takes a substantial part of their time. They have to delay civil cases to handle this. They're doing an excellent job but plainly and simply, if we overwork the judges, it affects the quality of our prosecution because in complex drug cases they need to have the time to properly consider motions to suppress, properly consider the other issues in the case. And if they're worrying about the next case that's coming along or the temporary restraining orders that are sitting—or present temporary restraining orders sitting on their desk, it affects the case. And I would hope that the committee would consider that, because when the alliance was established, I think we forgot about the effect on the judiciary.

PREPARED STATEMENT

The more prosecutors we have, the more cases we file. With that, I know the committee has a long schedule, and I submit my statement.

[The statement follows:]

STATEMENT OF WILLIAM L. LUTZ

Mr. Chairman, Senator Domenici, I appreciate the opportunity to discuss the progress of Operation Alliance. I have appeared before this subcommittee on two other occasions in recent years. Today I will update the subcommittee on the progress of Operation Alliance in New Mexico and suggest some improvements.

The District of New Mexico has seen a significant increase in criminal cases in the last three years. In fiscal year 87 the district ranked 21 out of 93 districts in criminal cases filed, even though New Mexico is not a populated state. In fiscal year 87 we experienced a 39.4 percent increase in criminal cases filed. In fiscal year 88 to date we have already exceeded the total criminal cases filed for the entire fiscal year 87. A substantial part of this increase is related to cases arising along the border with Mexico.

Last August I discussed the cooperation between the Drug Enforcement Administration and Metro Narcotics in southern Dona Ana County as an example of excellent cooperation. This spirit of cooperation has continued. In fact, the effort has expanded. Customs has assigned two agents to the DEA office in Las Cruces. These agents work hand in hand with the three DEA agents assigned to Las Cruces. In addition, the Border Patrol has on occasion assigned an agent to the DEA office. There is no formal program. This is simply a cooperative effort by law enforcement to get the job done. The close cooperation has promoted efficiency. However, with the great increase in caseload, there is a need for additional DEA agents to be assigned to Las Cruces.

When Alliance was created, more Customs officers were assigned to the southern border. The emphasis was to bring in more Customs agents to stop the flow of drugs. This decision was correct since the focus of Alliance is interdiction. As a result of the efforts of Customs and the Border Patrol, we had identified large numbers of domestic drug dealers. Without additional resources, the DEA will not be able to pursue these cases as quickly as the DEA desires. The agents simply have more cases than they can investigate with the present resources.

With only three agents to cover the entire southern part of the State, there are areas of the border that the agents cannot give the attention that is needed. These agents simply cannot be everywhere at once.

In the hearings in Las Cruces in August, 1987, Chief Neil Curran of the New Mexico State Police recommended that our office open a branch office in Las Cruces. In order to be responsive to the needs of law enforcement, I have requested and received approval to open an office in Las Cruces next fiscal year. This office will be staffed with two Assistant U.S. Attorneys and support personnel. Because of funding limitations of U.S. Attorneys' Offices nationwide, the staffing of this office will come out of existing resources.

One of the problems faced by U.S. Attorneys' Offices this year has been funding limitations. U.S. Attorneys' Offices have been restricted to 91 percent of authorized allocations of Assistants to stay within the funds appropriated for fiscal year 87. While these limitations have adversely affected all offices, the effect has been magnified along the southwest border with rapidly increasing caseloads. In two of the last three years U.S. Attorneys' Offices have operated with severe funding limitations. Stability of resources is required for U.S. Attorneys' Offices to investigate and prosecute complex cases. Drug pushers certainly have not reduced their funding. While most offices have been able to maintain the war against drugs, these restrictions cannot continue without significantly affecting our prosecution efforts. An overworked Assistant simply is not as effective as one who has a reasonable caseload. We appreciate the past assistance of Congress in allocating additional prosecutive positions on the southwest border. This has kept us from being overworked. To be effective we must have sufficient funding to fill our allocated positions.

Another problem that exists on the southwest border is the lack of judges. No additional judges have been approved to handle the increased caseload. The District of New Mexico has one of the highest criminal caseloads per judge in the United States. While the judges in New Mexico have made every effort to respond promptly to the increased burden, an overworked judge does not further the war on drugs. A recent district court decision has given our office concern. We are presently appealing a decision in which our district court held that Customs required probable cause to search at the border. For 200 years the law has been clear that border searches do not require probable cause. If affirmed, this case will have a significant adverse effect on our efforts against drug interdiction in New Mexico.

In summary, Alliance has created an atmosphere of cooperation between state and federal agencies far better than the cooperative effort before. We appreciate this subcommittee's continued interest and support. I believe the additional resources given the drug effort in New Mexico have shown results. However, we all recognize there is more to be done.

Senator DeConcini. Mr. Lutz, thank you very much. Let me address a couple of questions.

EPIC seizures and statistics for the Southwest border prove conclusively that there has been a dramatic rise in the flow of drugs. Mr. Bowen, you pointed out specifics of some of those increases in seizures pertaining to marijuana from 1986 to 1988. Again, can any of you tell us, considering that the amount of heroin seized has nearly doubled in that period, can you tell us the factors for this tremendous rise, and who's involved in this trafficking, and how this is getting across? You tell us that only 4 or 6 percent comes across the border here. How is it getting in here? Can you tell us who some of these people are.

Mr. Bowen. The increase in the seizures of heroin are directly related to the increase in enforcement efforts. The people involved smuggling heroin are the same people that have been involved in smuggling heroin for the last 40 years. The traffic has not expanded significantly. What's coming out of Mexico, it is traditional families which are already identified and are being worked on primarily by the Drag Enforcement Administration and the FBI.

The interceptions terminated at border patrol check points and at Customs ports of entry primarily. There are some interdictions along the immediate coast, but it's primarily at border patrol check points.

Senator DeConcini. Mr. Smith, is it fair to say that the Colombia-Mexico connection is still viable and increasing?

Mr. Smith. Yes.

Senator DeConcini. You agree with previous testimony in this regard?

Mr. Smith. All our intelligence indicates that yes, it's increasing.

Senator DeConcini. Mr. Piatt, do you have anything to add?

Mr. Piatt. No; I would agree with that. The cocaine amount that we've seized this year is up by 300 percent over the year before, so I'd say, if anything, it's increased.

Senator DeConcini. Let's go to another subject. This idea of Operation Alliance was derived from Senator Domenici and Senator Abdnor back in 1985, when the subcommittee started the Southwest border drug initiative by appropriating some $15 million. Attorney General Meese then announced the Southwest border drug initiative in 1986, and he called it Operation Alliance. It's been off on a running start.

However, we have the obligation here as Members of Congress to do the oversight on it, as does the House. The House Government Operations Committee issued a rather harsh assessment of Operation Alliance. Let me just quote from it and I'd like your reaction to it. One quotation says, "The spirit of cooperation is isolated and a lack of cooperation among participating agencies has hampered Operation Alliance." The report goes on and says that "lack of coherent and consistent definition of operational plans, evaluation of oversight program and intelligence integration mechanism. There is too much reliance on meaningless and contradictory statistics to make good results and inaccurate portrayal of personnel omitted to Operation Alliance." These are pretty tough criticisms of Operation Alliance and they're made from a pretty reliable source, one of the leaders on the House side, Congressman Glen English. How would you, Mr. Piatt, respond to these and other criticisms of Operation Alliance? I'm going to ask that of the other members as well.

Mr. PIATT. Well, I don't agree with that. A lot of these agencies have been around a long time. Customs has been around 200 years. You're not going to overnight become in love with everybody else. But I think basically that we are working much closer together than we ever have before. I think like U.S. Attorney Lutz mentioned about the circumstance where you might have a policeman going one night and a Customs officer the next night and a DEA officer the following night, without alliance, that wouldn't have happened. That type of interaction wasn't happening nearly as much in the past as it is now, so——

Senator DECONCINI. You're satisfied it is happening——

Mr. PIATT. I'm satisfied——

Senator DECONCINI [continuing]. Here and other places along the border?

Mr. PIATT. Yes; I'm satisfied it is happening. I also think that Congressman English did in fact find something that were wrong that have been corrected.

Statistical keeping, stat keeping wasn't the greatest. We are keeping better statistics now. But I think the cooperation has certainly been fostered by the alliance. I would disagree with the main thrust of that.

Senator DECONCINI. Mr. Bowen?

Mr. BOWEN. The process that took place in the formulation of that report was quite lengthy. The hearings for which a lot of the material was drawn late last year. The majority of the problems identified in there were either resolved in the interim between the time that the hearing took place and the initial draft of the report came out or have since been resolved.

We can't in all candor say that there are no cooperation problems at all along the border because you have 7,000 or 8,000 agents working along the border and there are going to be personality problems.

But on an agency-to-agency basis, there are no major problems left to be addressed. The statistical issues are still a matter of dispute and I've had a number of discussions with Mr. English's staff on methodology that was used in arriving at it, and there's an honest difference of opinion.

But we do keep a lot better statistics now than we ever have. And I think when you talk to the people from the State of New Mexico, they will echo the fact that the cooperation along the Southwest border between not only the Federal agencies but the State, local, and Federal agencies is better than it's ever been.

Senator DECONCINI. Do you have anything to add, Mr. Smith?

Mr. SMITH. Yes, sir; I'd like just to address the issue in New Mexico. Along the Mexican border, in New Mexico, Operation Alliance has certainly enhanced the cooperation between all the Federal agencies and the State and local agencies. Along that particular stretch of border the U.S. Customs Service has a new man down in El Paso, Duane Jernigan, who is the SAC down there. He and I meet regularly and discuss the issues along that border, along with the head of the Metro task force down there in Las Cruces, with the State police and the border patrol as well, and we have agreed that this job is more than any one of us can do and that we can get this job done if we don't care who gets the credit.

And therefore, we——

Senator DECONCINI. It is working?

Mr. SMITH. Yes, sir; it is working well on this border. The other border States wonder how we're getting along so well down there and frankly, we believe this is the way alliance was supposed to work.

Senator DECONCINI. Mr. Lutz, do you concur with that, from your observations as a prosecutor?

Mr. LUTZ. Yes, sir; I do, and I'd just like to contrast what it was like 6½ years ago when I became U.S. attorney.

The head of customs in New Mexico and the head of DEA in New Mexico would not be together with me. They would not be in the same group together.

Senator DECONCINI. That no longer is the case?

Mr. LUTZ. That no longer is the case. They work together and I think if anything alliance—and frankly, it's kind of a joke, but it's probably true, they're too busy to fight. But there's been—there's a much greater spirit of cooperation and much less concern about turf battles here in New Mexico. You know, we certainly don't say that we're perfect, because that's not the case but the situation that the alliance has caused is that the agencies do have to work together. The one thing that concerns me about an overall operation like alliance, the Southwest border is so variant, we have great stretches of very rural areas and then you have ports of entry like San Ysidor and El Paso that are very urban, and what works well in those urban port of entries simply will not work well on the very isolated rural areas, and vice versa.

What we do in the rural areas would probably be a disaster in San Diego or El Paso. So I think you have to take into account that there is a great variation along the border.

Senator DECONCINI. Mr. Bowen, let me ask you a question about border patrol staffing along the Southwest border. For years we tried to provide more officers over the objection of both the Carter and the Reagan administrations. We could put them in, we could authorize them, we'd appropriate the money for them, and neither of those administrations would fill them except for 2 years out of all that period of time—the 10 years that I've been after this. Now that Congress and the White House have finally agreed to give the border patrol over 1,000 new positions, it still seems like we're just playing catch up. The data provided by Operation Alliance in El Paso shows that although 1,392 agents will be hired by this month by the border patrol, 720 of those, more than one-half, will go to merely fill vacancies for agents who have left the service. Therefore, only about 450 additional new positions will actually be realized. What's the problem? Why are we having this problem?

Mr. BOWEN. Almost 1 year has gone by since the agreement to put in some 1,300 new border patrol people.

Senator DECONCINI. Funding is the primary problem?

Senator DOMENICI. On funding, are salaries the problem?

Mr. BOWEN. For the incoming agents, yes. The 450 new—450 new positions were part of the attempt to reach the levels that were established by Immigration for border patrol. Even with those 450 engagements, we will still be 527 short of what was set forth in the Immigration format, because those positions were cut out by OMB. We have not had them restored. The 720 attrition positions is a calculated risk on the border patrol's part, based on anticipated attrition. We are hiring well above what we're funded for at the start of the year, and we're going to end up the year where we're supposed to be. This will cost us some equipment and some other resources that we'll have to give up, but we're determined to the extent that we can to end up the year where we're supposed to be.

Senator DECONCINI. Do you know what your attrition—you're estimating your attrition rate is going to be high?

Mr. BOWEN. Yes, sir.

Senator DECONCINI. Higher than the rate of buildup?

Mr. BOWEN. Yes, that's——

Senator DECONCINI. You've estimated that 720 of the new positions had to go for attrition instead of new agents.

Mr. BOWEN. Right. And if you'll notice, on the other we're hiring 672 with a target of 450.

Senator DECONCINI. I see. I see. And salary is the problem, primarily?

Senator DOMENICI. Let me just get this clear. You keep using the word funding and the chairman keeps talking about salary. To be specific with this, part of the problem you told us is ceilings and lids; those are problems. But is part of the problem that we aren't paying them enough in the marketplace; are you telling us that?

Mr. BOWEN. That's one of the reasons for the high attrition rate that we suffer. We suffer about a 30-percent attrition rate during the training period. It's a very vigorous training. We lose a lot of agents to other enforcement agencies who have higher grades. If you go to virtually any Federal law enforcement agency, in their mid-level management, you'll find former border patrol.

Senator DECONCINI. How much does an entrance level border patrolman——

Mr. BOWEN. He's a GS-5. We've just received authorization from OMB to start paying as we bring them on at the 5 step 10, and to promote them at, as soon as they've passed their mid-term probationary exam, to GS-7. We're hoping that will cut down on the attrition, especially in southern California in the metropolitan areas, because of——

Senator DECONCINI. What does that mean in dollars, do you know?

Mr. BOWEN. It was $13,000, but going to 5 step 10, and this will be effective with the new pay raise, they will start at $20,000. That's about $5,000 more than we could start them before.

Senator DECONCINI. That's that—at step 7?

Mr. BOWEN. Step 10.

Senator DECONCINI. What's the entry level?

Mr. BOWEN. GS-5.

Senator DECONCINI. GS-5, what's that?

Mr. BOWEN. GS-5, step 10.

Senator DECONCINI. That pay is $20,000—they're coming in at $20,000 now?

Mr. BOWEN. Starting in January.

Senator DECONCINI. It is now $15,000?

Mr. BOWEN. It's $13,734.

Senator DECONCINI. That's substantially more. Senator Domenici, do you have some questions?

Senator DOMENICI. Mr. Chairman, I want to be accommodating to your schedule and Senator Bingaman's. I don't want to ask a lot of questions and use a lot of time. You might kind of tell me when you think I've gone on too long. Let me ask Customs with reference to the Albuquerque hangar. Between fiscal years 1988 and 1989, we appropriated $4.58 million for the Albuquerque hangar and administrative complex. Now I understand that you currently have about 40, 43 full-time positions there, Mr. Piatt, and that this number could double by the end of 1989, under current plans.

I'm concerned because I've been told that maybe this hangar now under design and scheduled to be completed in the next 18 months might not be adequate to handle the personnel assignments as are currently contemplated for as short a time as 1989. So if it's not going to be adequate what funding would be needed to make it adequate? Wouldn't it be cheaper to go ahead and provide that enlargement and design enlargement right now rather than a year down the line?

Mr. PIATT. I would have to provide you with the figures later, Senator. But you're correct, the hangar is not going to be large enough because from the time that the hangar was first designed we've increased the number of aircraft that we're assigning to Albuquerque and so, therefore, we've gone back in and we've modified the plans for the hangar to adjust for the expansion of the facility. But we can provide you with the figures that you need.

Senator DOMENICI. Well, we're also talking about the personnel on the administrative part of this building, so if you'll answer it on both counts.

Mr. PIATT. OK.

Senator DOMENICI. But as quickly as possible. We'd like to alleviate it with some design modifications and construction funding so we don't have to add to this after it's completed.

Mr. PIATT. I agree. Thank you.

Senator DOMENICI. Let me ask all of the witnesses this question. With reference to the criticisms of the alliance, there was one aspect of that report that I don't think you addressed and it's touchy and it's difficult. I don't agree with the English report with regard to the alliance in New Mexico. I think we have had something different here in any event. But one contention was that the alliance has not instituted a method for incorporating available law enforcement intelligence into its programs. And I think that is different than the niceties that you've described about getting along. This is fundamental and very difficult, but very important. Could you address that, any or all of you?

Mr. PIATT. I'll take a shot at it. The amount of intelligence that's being received by the El Paso Intelligence Center has increased substantially. I don't have any statistics on numbers of pieces, but it has increased substantially. The increase is due to the cooperation they are now receiving because of Operation Alliance from the agencies that participate and supply this.

Additionally, they now have access to national security information which they did not have before. It's only been in the last year or so that they've had access to this. That was a long, slow process in getting that down to them and the Customs Service and the Drug Enforcement Administration and several other agencies were working toward finding ways to speed up the—the transfer of that information and the slow down has been because of classification of some of that material.

The border smuggling routes that we've established up and down the border serve for a mix of the State and local and Federal agencies to serve. That's one of their primary purposes is to pool the intelligence available to law enforcement by bringing all the law enforcement officers together working on a common goal. They will their share the intelligence that they wouldn't share before.

So between the additional information that's going into the source agencies that participate, and the additional intelligence from the national intelligence community and the cooperative efforts on the local level with the agencies working together and sharing intelligence, I don't think that statement is completely accurate.

Like I said in my testimony, we still have a long ways to go in the intelligence area. But everybody is committed to it. As a good example, one of the things that was criticized in the report was that we did not get along very well with Customs air program. The problems that we did have were resolved and less than a week ago they provided information into my office on the movement of private aircraft in Mexico. We assigned people to the area where it was noted and seized 250 pounds of cocaine being brought across the river.

Intelligence is performing much more smoothly than it was. Granted we have farther to go, but it is improving substantially.

Mr. **Bowen**. Senator, one of the things that we're also doing—I wear another hat which is the regional coordinator of the AMDUS operation, which is Vice President Bush's operation—and we are providing statistics for the alliance now since—I think it's about since June that we've been providing it. We were keeping statistics since the beginning of the year.

And what we're doing was rather small, almost like a skunk works type operation. We are providing different types of analysis of the seizure information that comes in and we're producing monthly reports now that have information like the sites of violators, the time and date that it happens, citizenship, a lot of information like that. But we're also providing back what we can provide on almost a real time basis, where sometimes a large organization can't.

So we are providing that type of information which can help you plan your special operations, because it shows that Customs is successful more often in the afternoon, where border patrol is more successful late at night, and so on, this type of information can be useful.

It's the kind of information that's been out there for a long time. I as inspector of Customs 17, 18 years ago when TEX was put in was told that we would have this kind of information, but we never really quite got to it. So we're providing this kind of information.

Senator **Domenici**. Maybe we could have comments from the other two on that issue?

Mr. **Smith**. I think everyone would agree that it is improving a great deal.

Mr. **Lutz**. I would just say, Senator, that I think the agencies recognize that the intelligence is there and work on it, but it's also a very complex, hard area to deal in because you have to question the reliability of the information and make a determination of how that information can be disseminated. And practically, when you get to the field level, those are all very hard questions to answer. It's probably an area that will never be as good as it should be, because of the complexity.

Mr. **Bowen**. As an example, it took us almost a year to figure out how to ask the national intelligence community a question in the proper format to get the answer, because their mechanisms are so much different.

Senator **Domenici**. Well, I'm going to ask just two more questions. That question that I asked about the method for using the intelligence from the diverse groups in the alliance program, which is what the English report addressed, leads to the next question. There is serious contention that we have to have a drug czar at the national level almost in the form of a Cabinet-level post to head up the Nation's drug efforts, and while everyone doesn't agree, what are your thoughts, quickly, on the need for a drug czar, and if that post were created, would you recommend that not only drug law enforcement and interdiction, but areas like eradication, prevention, and treatment activities be placed under its command? Now I have no idea where you stand and I don't think we want to take a lot of time but maybe those of you here responsible for enforcing the law can give us your views.

Mr. **Bowen**. I guess I'll say something. What we have now essentially is a national drug policy board with the Attorney General as the chairman, sort of acting as a drug czar. My only comment in this would be a personal comment, not an agency comment, was if a drug czar is going to be established, it would have to be above Cabinet level, or have power which exceeds any individual Cabinet member. Otherwise, it comes down to a basis of personality. Either somebody gets along and they'll do it, or they won't. Which is to a large extent what we have now.

Having a single focal point for all drug enforcement, drug demand, and education activities is a good idea. Whatever mechanism is decided on to do that, having a single focal point to provide direction and planning and assessment and evaluation is a good idea.

Senator **Domenici**. Anybody else?

Mr. **Piatt**. Yes; I think I'd like to comment. This is a thought that I've wrestled with for a long time. Because I can see pros and cons to it. I guess the con I see in it is just you can have a bad drug czar, and it can mess you up pretty good. So I guess my concern is that you can have it—I think there's some real values is having it, but if you do, you've got to somehow not stifle the creativity of different agencies and how they approach the drug war. Because if you get them going lock step down the old canal, and that's the only way you can go, then we'll lose. If you have a drug czar that will encourage creativity, encourage different approaches, then I think it's a good idea.

Senator DECONCINI. Does the Justice Department have a comment on that?

Mr. LUTZ. The one thing I would say on that matter is, I think some of the concern is the underlying problem of lack of coordination and cooperation of agencies. I think the thing we have to look at in determining is creation of a drug czar at Cabinet level. You'll still have Cabinet secretaries over it, and are you just creating an additional bureaucracy. What I think is the end of the line problem, we're all concerned about, how do we get everybody to work together better?

And they have a lot of contact with people, because even in the agencies, you sometimes have disputes within the agency, just because of personalities. A lot of the worst examples of problems primarily have to do with personalities, individuals didn't like each other.

Senator DOMENICI. I'm going to yield.

Senator DECONCINI. Senator Bingaman.

Senator BINGAMAN. Thank you, Mr. Chairman. Let me get back to some of the earlier comments. As I understand your comment, we don't have the capability to monitor aircraft that crosses the southern border into New Mexico at less than 6,000 feet, and a very questionable capability from 6,000 to 10,000. Is that what you said?

Mr. PIATT. In the New Mexico area that's true. The Deming Aerostat when it comes up should take care of that problem. We have an aerostat operation around Arizona and it works very well. It's able to track aircraft well inside of Mexico so that we're able to get an early picture of that aircraft and decide whether we want to respond or not. So I think once the aerostat is up, which it should be up within I guess several months, December, that problem should be resolved.

Senator BINGAMAN. Mr. Bowen, you said that your calculations are that only 3 or 4 percent of the drugs coming into the State come from Mexico, that most of it comes from the adjoining States. Is that accurate?

Mr. BOWEN. Comes directly from Mexico, Senator. Three to four percent. Most of the significant seizures that have been made on the Federal level in New Mexico have been traced back to either eastern Arizona or western Texas.

Senator BINGAMAN. Here's my question. Don't we have a circular situation here: We don't have the capability of monitoring drugs coming into the country from Mexico into New Mexico, at least by air, and we're calculating how much comes in based on how much we seize.

Mr. BOWEN. Not entirely.

Senator BINGAMAN. Obviously—that's not true we don't calculate——

Mr. BOWEN. That's part of it. That's part of the mechanisms.

Senator BINGAMAN. What else do we use?

Mr. BOWEN. For the aircraft threat there is a set of indicators that's consistent across not only the Southwest border but for the southeastern area and anywhere else that they use. And that is the number of technical violations on aircraft that are discovered, such as altered fuel tanks, altered structure that will accommodate——

Senator BINGAMAN. But what is our capability to monitor technical violations on aircraft? As I understand it, we don't have the capability even to tell that the aircrafts are coming in or leaving. How are we monitoring the technical violations on them?

Mr. BOWEN. By finding aircraft on the ground, through investigative efforts. They use the number of crashes, the number of thefts reported, the number of seizures made, the number of technical violations, all those things. That's the best mechanism that they have and it's the same one that applies up and down the border.

Mr. PIATT. Senator, let me add there also, I don't want to give you the impression that we don't have any coverage, because we do have a surveillance center at Corpus Christi where we have agency aircraft which are—which have 360-degree look-down radar. We also have P–3 radar, AWACS-type aircraft which we do send up on operation. So there is coverage at times, but it's not going to be the same quality that this aerostat coverage.

Senator BINGAMAN. But the coverage is—don't let me put words in your mouth, but the ability of your Corpus Christi operation to monitor aircraft coming across the border south of Deming is minimal, at best, is that accurate?

Mr. PIATT. The range of the P–3 is—it has about a 14-hour hang time, so during special operations, it can hang over New Mexico for quite a while.

Senator BINGAMAN. How often does it?

Mr. PIATT. That I'd have to defer to Mr. Beaver.

Mr. BAER. Three or four times a month.

Senator BINGAMAN. So it comes through New Mexico three or four times a month.

Mr. BEAMER. It's a very small window that we're looking at, a very small sample that we see here.

Senator BINGAMAN. Well, I won't belabor my point any longer. But I've had people in law enforcement suggest to me that we didn't have enough resources along the southwestern border, and one of the reasons we don't is that we develop our estimates of how much is coming across on the basis of how much we seize, and we don't have the ability to monitor what's coming in so we don't seize very much.

So it's all circular. Perhaps the aerostats will solve that. I hope they will. Maybe that will give us a much clearer notion of what's coming across and what the extent of the problem is across the United States-Mexico border.

Mr. BOWEN. We anticipate it will make us a lot busier on the ground once they go up.

Senator DECONCINI. That has happened in Arizona, has it not?

Mr. BOWEN. They've noted shifts in patterns.

Senator BINGAMAN. We've heard a lot about cooperation between Federal agencies. The DOD authorization bill this year, that the President vetoed but which we're trying to pass in one form or another, provides that the Department of Defense shall have the lead role in conducting surveillance missions for the drug interdiction effort.

How does that designation affect the way you do business? Does it help; does it complicate things? I'd be interested in hearing your point of view on that, Mr. Piatt.

Mr. PIATT. Well, I think, depending on how they're used, it can be a great help. We just had an operation in Texas called operation Flette, where we used national——

Senator BINGAMAN. Operation, what is it?

Mr. PIATT. Flette, F-l-e-t-t-e.

Senator BINGAMAN. OK.

Mr. PIATT. Where we used National Guardsmen who were assigned to cargo devanning facilities with our Customs inspectors, and they were also assigned to the cargo import lines along the border. Now one of the first days of that operation we had an 8,400 pound marijuana seizure at the port of Hidalgo in Texas. That seizure probably would not have been made without them being there, even though they didn't make the seizure, even though it was Customs inspectors who made the seizure. But I talked to the inspector involved in that seizure, and I said, tell me something, if you hadn't known that there was some National Guardsmen behind you there that would help take care of some of the other traffic that was coming through, you know, to be examined, would you have turned that truck around? And the inspector said, I might not have.

So just the mere fact that we had the additional manpower gave that inspector liberty of saying to three other trucks behind this truck, back up, because I want to look at this truck. This was declared as an empty truck. It had a bunch of milk crates in it, some spoiled milk. And it turned out to 8,400 pounds of marijuana, which was probably, from our recollection, we can't think of a larger interception at the border of marijuana than that one.

Senator BINGAMAN. Does anyone else have comments about DOD's potential usefulness in the effort?

Mr. BOWEN. Well, the most important role they can play is in the air or marine interdiction. The things that they can do on the land border are severely restricted by posse comitatus. We are working closely with the Army and Air National Guards and with the National Guard Bureau in Washington to kind of inventory the skills that are available within the National Guard to determine what efforts we can do on the land border and what Mr. Piatt has related is a good example of what can be done.

And the other thing is furnishing us specialized equipment. In those ways, they can be of tremendous assistance. But even in the discussions on the Hill in preparation for that bill, it was recognized, I believe, that the primary detection role that they could play was air and marine.

Senator BINGAMAN. We were discussing the need for coordination in the reporting of intelligence—the need to develop systematic ways to report information. Do we have a hodgepodge of different reporting systems for recording criminal activity, that is for identifying cases prosecuted, cases dropped, all of that? I have heard from some that the Congress should look at mandating a uniform system of reporting so that we can get a better handle on what is being done at the Federal level and the State level, keep better track of how these problems are growing and how changes occur in the mix of crimes that we're investigating and bringing to prosecution.

I'd be interested in any of your thoughts on this.

Mr. Smith. Senator, in Operation Alliance, we do uniform reporting. All of those involved in Operation Alliance, there has been a uniform reporting developed, and we report all information through REC, arrests, activity on their report. So in that area, where we are not informed, probably just may not be something that you as Congress could do. It has to do with military intelligence, NASA-type intelligence, intelligence from other countries, that we get. How does that filter back down to me, working in the street, that's the problem.

Senator Bingaman. I wasn't really asking about intelligence. I was asking about the end of the year when you put together your figures and say this is what we did in DEA. Is that information comparable to what the border patrol and other Federal agencies report? Is it all in the same form?

Mr. Smith. It is now, yes, sir.

Senator Bingaman. It is? Everybody that participates in Operation Alliance uses the same reporting form, including the State organizations.

Mr. Smith. Everybody reports individually to their own agency on whatever form they use. But there is a special form that was devised that we can report to Operation Alliance.

Mr. Piatt. Senator, that's the report I was speaking of earlier that we're producing now, and it's taken from the data from INS and from Customs and has to do from their seizure forms and it's cross checked to make sure that there's not a duplication.

Mr. Bowen. Senator, are you talking about the end of the year reporting by the individual agencies?

Senator Bingaman. Yes; I was. As those of us in Congress try to calculate the extent of the problem—the nature of the problem as it changes, those kinds of things—I've gotten the sense from people that we often are presented with apples and oranges and that it's difficult to get uniform reporting from the various agencies involved in this.

Mr. Bowen. I would agree that it is, bearing in mind that there's no possible way that the border patrol end of the year report could be compared to the DEA, because one is purely interdiction and one is purely investigative. So you can't get away from the apples and oranges.

Senator Bingaman. To the extent they're both involved in investigation, they should be able to use a uniform system of reporting, should they not?

Mr. Bowen. The border patrol does no investigative work. They're pure interdiction work. The Customs Service does a mix of both, DEA does a little bit of interdiction but primarily it's investigation and even the interdiction that they do is investigative in nature.

Senator DeConcini. I don't understand, what did you do when you have some information or you're inspecting something at the border and you get some information that there's another car coming through, or there's a car that's already left and you've got somebody up in Tucson, say, or some place, that will do that interdiction, don't you do any followup stuff on it?

Mr. Bowen. Once the interdiction is made, it's turned over to either cross-designated Customs special agent or DEA accent for the investigative portions. If we had information that we had just missed a car somewhere, we'd call ahead and try and, get that car stopped.

But to perform any investigative work after we've missed it, we would, give it to DEA to perform.

Senator DeConcini. I see. Any investigation, what I'm thinking of as investigation, might occur before, based on intelligence or something that would be coming toward you.

Mr. Bowen. Yeah. If we have enough time in advance we would coordinate with DEA and Customs anyway.

Senator DeConcini. I see.

Mr. Bowen. To handle the investigative portions of it. We would assist in the actual act of interdiction.

Mr. Piatt. Given that scenario there, we find the followup to be very useful, but you do it, you or DEA.

Mr. Piatt. We do it if we're cross-designated in that particular area, by DEA, or DEA does it.

Senator Bingaman. Let me ask one more question. Mr. Smith, in your testimony you said that New Mexico is fifth in the Nation in clandestine laboratory seizures. We're a pretty small State to have that kind of notoriety. Could you explain what you think needs to be done to solve that problem?

Mr. Smith. The State of New Mexico has, from our intelligence from the last couple of years; become one of the primary States for the free purchase of chemicals used in clandestine manufacture of listed narcotics. We believe that this is because of the appropriate legislation which has been enacted in the various States that surround New Mexico.

Our intelligence and our investigation indicate a large number of people coming into this State who purchase these chemicals and take them out, take them other places. It is getting harder and harder to obtain these chemicals without some sort of detection by the people who do this manufacturing, and New Mexico has become one of those havens that people can come in to purchase these chemicals with no fear whatsoever of public notoriety. They don't have to sign anything. They can walk in the store and get it. We're seeing a growth of what we term as outlaw chemical companies who come in and just simply broker, move into the State of New Mexico, solely for the purpose of handling these chemicals and operating a front.

They take out a store front and all they sell is precursor chemicals. The State of New Mexico currently has drafted, I believe, precursor legislation to help address that issue, as does the Federal Government. It has precursor legislation, which we think will be a big help. We believe that the reason New Mexico is so high is simply because they can come in here and get it. There's no greater number of people here using methamphetamine, which is the biggest drug being manufactured in New Mexico.

When I told you it was the fifth largest, it would probably be the No. 1 State in the United States for the manufacture of illicit methamphetamines, based on investigations and seizures.

Senator Bingaman. If New Mexico is the No. 1 State in the Nation for the manufacture of these chemical drugs, is that something that the legislation you're working on, Dennis, will solve or is it something that our State legislature needs to do, or both?

Senator DECONCINI. Well, I suspect that the answer to that is both. The DEA has really written the bill, and worked with us on our bill. But I'm not sure it'll solve all the problems you're talking about. What it does is force the chemical companies to report purchases and transfers, isn't that correct?

Senator BINGAMAN. In other words, New Mexico would still remain a haven for folks in this business even with that Federal legislation?

Mr. SMITH. We don't believe it would, because——

Senator DECONCINI. There has to be a legitimate use for that.

Mr. SMITH. It has to be a legitimate use and we will also have the authority then to monitor this.

Senator DECONCINI. They would be licensed for use, and you would have the right to go and enforce. So I guess the answer to your question, Senator Bingaman, is that the legitimate uses of these would go to DEA and they would still function, but they will be able to do what they can't do now, and that is followup and monitor the transfer of these large chemicals into your State, and the transfer of them out again And the mixing and using of it; because DEA doesn't have any idea now, unless they get intelligence, is that correct; that they're being used clandestinely in the State?

Senator BINGAMAN. Does DEA have the capability to enforce this law in New Mexico? Does DEA have the resource to enforce this law if New Mexico is the center for this activity in the country?

Mr. SMITH. As I understand it; the Federal legislation will appropriate funds for that purpose. During the first year of that operation we would have to eat up the resources we currently have, and we think we can do it in New Mexico.

Senator BINGAMAN. That's all I have, Mr. Chairman.

Mr. LUTZ. Senator Bingaman, just——

Senator BINGAMAN. Surely.

Mr. LUTZ. Chief Curran and Secretary Kemble and Governor Carruthers have been very good about working with us to prepare legislation for the legislature. I think everybody is aware New Mexico's Legislature only meets once a year for 60 days in one year and 30 days in the next, so—and this problem kind of came on us almost overnight, with the passage of legislation in the surrounding States. We've always had some problem with methamphetamine. That plus the Southwest border has really put the DEA under a lot of pressure and many State agencies to solve the problem together.

We recently seized a lab near Portales and there was 800 to 900 pounds of methamphetamines Just a staggering amount compared with normal seizures. But I think they are working with us. It's an area that——

Senator DECONCINI. Mr. Smith, the hearings that we held in the Judiciary Committee on that, the bill that DEA was working on with us, that's now been incorporated into the proposed drug bill. I don't remember any testimony referring to New Mexico as being No. 1. I know there was a big problem they were having in New York City, Philadelphia, and some other large cities where they were using these old storefronts or apartments to house these very dangerous chemicals that could blow up.

But is this something new that has come about here?

Mr. SMITH. What will happen is that, based primarily on the seizure that Mr. Lutz addressed, that's over 40—approximately 50 million dosage units. It's the largest mehtamphetamine laboratory ever seized in the United States and along with what we normally are doing, we would rank you somewhere, since 1981, New Mexico has creeped forward every year, somewhere in the neighborhood of three, possibly since 1983.

Senator DECONCINI. Under the law now, there's literally nothing you can do unless you know that some criminal activity is involved. The fact that there's a big transfer of these chemicals to somebody and they move them on out to someplace else.

Mr. SMITH. Yes, sir; that is correct. If they're not manufacturing here in the State, there's not much we can do.

Senator DECONCINI. Mr. Piatt, let me ask you a question, and maybe someone else wants to comment. The Commissioner of Customs and the Commandant of the Coast Guard have been criticized in some circles for their steadfast adherence to the so-called zero tolerance program. The administration and I strongly support the program as a valuable deterrent to anyone violating the laws, but it is also expensive to implement both at the point of interdiction and in the courts.

In your view, what has been the effect of the zero tolerance initiative in our operations here in this State, in this region, as it relates to Operation Alliance?

Mr. PIATT. I think it's been a big help. To be candid with you, I think the whole debate over it has spurred a national debate over zero tolerance. I think it's maybe awakened the silent majority that's sort of sitting out there that was not really interested one way or the other.

For example, I got a call the other day from some executive in Houston who has asked me to be on a board of essentially zero tolerance for businesses. The big major corporations of Houston are forming a board and they're going to push the message down to their employees, if you use drugs, you're out. And they've asked me to be part of it.

Now, maybe before they wouldn't even think about this. So I think the national debate on zero tolerance has been effective.

Mr. PIATT. I think so. And sure, there's going to be some cases where somebody's going to get the headlines over a yacht that was seized, or whatever that perhaps maybe shouldn't have been, but I think on balance it's been a very good idea, I think it's been a good concept.

I think we have to put the scarlet letter on people that are using drugs or selling drugs. We've got to ostracize them, and I think this is a good way of doing it.

Senator DECONCINI. Are you making some zero tolerance cases here? I mean, are you doing a lot of that here?

Mr. BOWEN. There's only two ports of entry coming into New Mexico.

Senator DECONCINI. Not a lot of that.

Mr. BOWEN. In comparison to the rest of the border, no.

Mr. PIATT. There are zero tolerance cases, though. It taxes the U.S. attorney's office.

Mr. LUTZ. OK, our two port of entries are extremely low volume. Antelope Wells has 1.3 cars a day that come through. Columbus has more than that, but we're not dealing with a large number of zero tolerance cases in comparison to San Diego certainly, or Arizona or Texas. But, for instance, the *Antelope Wells* case, the one that I referred to in my testimony, where the judge held it wasn't a good search with probable cause, came out of *Antelope Wells*. We feel that that's a very serious case. and are hopeful the court of appeals will look at it differently. But it really has not been a significant burden.

Senator DECONCINI. It isn't—this is not a place it's being——

Mr. LUTZ. We have it, but you know, there aren't really many cases.

Senator DECONCINI. How about the rest of the region, Mr. Piatt?

Mr. PIATT. The rest of the region, particularly in Texas, it does tax the U.S. attorney in some of the other areas. But there's a whole fundamental problem here, and it starts with prisons and it works its way up. We need more prisons, we need more courts, we need more prosecutors, we need the whole infrastructure to make this thing work.

Senator DECONCINI. Do you think it's worth it?

Mr. PIATT. Absolutely.

Mr. BOWEN. Senator, it does one other thing, too. It's one of the few things that actually performs two functions at the same time. Zero tolerance is originally—formally developed in San Diego. It's both a demand reduction issue and an enforcement issue, in that the publicity that is generated by the zero tolerance program and the message it carries helps in the demand reduction side from the standpoint of it prevents people from going down to try to get a little bit of personal amount to bring back, so it serves two purposes, not only enforcement, but demand reduction.

Senator DOMENICI. Mr. Chairman, could I give just two observations and concerns. I think the oversight activities of this subcommittee and others are very effective in urging and encouraging diverse agencies to work together, so I compliment you for doing it. You've been doing it for years and I think it has an effect on agencies that have worked autonomously in the past and work together and push things like alliance to a more effective network.

Having said that, I do want to say to all of the law enforcement people who are here, to our chairman, Senator Bingaman, we have been talking very big time in Washington about a new drug bill. I'm very worried that if we don't get it done, if we're not careful, we're going to end up having talked about all these new resources and as a matter of fact come out with line agencies like U.S. attorneys across the country, DEA, FBI, having less personnel next year rather than more.

Because what's happened is, in the first round of appropriations we have not increased the funding and in some cases that's done in anticipation of a whole new drug bill with more funding, and if we don't get that done, we're going to end up with less. And we're short of revenues to fund the new measure. We're looking around, as to where can we find new resources and not breach the budget summit agreement. So our desires are great and we'll tell you, Mr. Lutz, the new bill will provide 870, more or less, 870 new U.S. attorneys, you will probably get some, instead of having to move 2 that you now have to Las Cruces, you probably would get the resources you need. The DEA needs new resources. The FBI needs new resources. You all need your quotas, but you don't have enough money to fill those new slots.

I'm not so sure that we have to invent so many new things before we've funded those items that have been with us for a long time and are working, and most of them are things that you represent.

Having said that, my last comment is on zero tolerance, and frankly, I believe that the idea is tremendous, I think you have taken care of the civil liberties union concerns. If you haven't, I think you're in the process of doing that, and we shouldn't get innocent people, we shouldn't take their property.

I repeat, I'm for it; I think the notion is tremendous; I support you. But it is paradoxical that we will worry about picking up a car, but we're not worried about Lawrence Taylor using the stuff. You know, pretty soon we've got to get to the point where those who use have to get punished, not merely impound the vehicle that has illegal merchandise in it. And I'm back where I started this morning.

But actually, I think the idea of zero tolerance impresses me because it is beginning to send a message, literally, of zero tolerance, not only zero tolerance with reference to moving across the border in a vehicle, but zero tolerance in society. Because without it, you have some measured response imposed on the user. I think that's where we're going to have to end up, and I think that's a good start, what you all are doing.

Mr. Chairman, am I correct that we would—how many million would be provided to U.S attorneys in our bill?

Senator DECONCINI. $44 million, 870 new positions. Well, that's going to be less, but probably around 800 positions.

Thank you very much for your testimony. You've been very, very helpful to us.

We're going to take a 10 minute break now.

[A brief recess was taken.]

STATEMENTS OF:

DR. ROBERT KEMBLE, SECRETARY, NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

JAMES W. WILSON, DIRECTOR, NARCOTICS ENFORCEMENT COORDINATION TEAM, NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

NEIL W. CURRAN, CHIEF OF POLICE, STATE OF NEW MEXICO

D.F. "DUFFY" SWAN, STATE CAMPAIGN CHAIRMAN, RED RIBBON CAMPAIGN, AND CHIEF EXECUTIVE OFFICER, US WEST COMMUNICATIONS

Senator DECONCINI. Thank you for joining us. As I indicated before, your full statements will be printed in the record. If you can summarize your statements for us, we have a number of questions we believe would be very helpful to us.

We'll start over here with you, Mr. Swan, just because we'll start at the right and then go to the left. If you'd like to summarize your statement, please.

Mr. SWAN. I'd be glad to. Thank you, Mr. Chairman.

Thank you Mr. Chairman, members of the panel. I'm very pleased to represent Gov. Gary Carruthers this morning. On behalf of the New Mexico Red Ribbon campaign, which is a drug awareness campaign launched earlier this year, following some success of a similar program in the States of Florida and California. The red ribbon was adopted by the State of Florida and later by the National Federation of Parents as a symbol to stand against drug abuse in this country following the murder of DEA Agent Enrique Camarena at the hands of drug lords in Mexico.

The red ribbon campaign is a drug awareness campaign designed to draw attention to substance abuse and its dimension throughout New Mexico. The goal is for each community to build a united front and stand together in support of a drug-free New Mexico. We believe the goal is attainable by changing attitudes regarding drug usage which will result in a decreased demand for drugs.

There are some rather appalling statistics in our State regarding stimulus for the red ribbon campaign. The No. 1 public health problem in the State is alcohol abuse. We've known that for a number of years. During the 10-year period from 1976 to 1986, the only age group in New Mexico which suffered an increasing death rate was the 15- to 24-year-olds. That death rate is underscored by some appalling facts.

Forty-five percent of the teen suicides in this State are alcohol related. Fifty-one percent of the teen homicides are alcohol related, and nearly two-thirds of the fatal automobile accidents are alcohol related in this State.

A study that was conducted in March 1987 by one of our largest school districts revealed that 37 percent of the fourth, fifth, and sixth graders had already begun to drink alcohol. In the seventh, eighth, and ninth grades, 65 percent had started drinking. Twenty-two percent were drinking weekly, 4 percent were drinking daily.

In the high schools, in that same study, 67 percent of the students were drinking on a regular basis. Forty-one percent were drinking weekly, 10 percent were drinking daily.

While these statistics alone are alarming, an even greater tragedy is that studies have shown that the earlier in life that alcohol or drug abuse begins, the greater the probability that such usage will reach problem levels later on.

That same study surveyed drug usage other than alcohol. Over 5 percent of the grade school group had tried smoking marijuana. In junior high, 26 percent had tried marijuana, 9 percent were smoking weekly, 4 percent were smoking daily. By the time they reached high school, 52 percent had smoked marijuana, 14 percent were now smoking it weekly, 5 percent daily.

Hard drug usage, too, was also alarming. Five percent of junior high students in the study had tried cocaine, 2 percent were using the drug regularly. In the high schools, 11 percent had tried cocaine and 5 percent were regular users.

Usage of heroin and hallucinogens was at similar levels.

So drug abuse in schools throughout New Mexico is occurring at levels very close to those from the sample school district. Therefore, a statewide action program is clearly warranted, a program which will bring together all of the existing resource groups and forms new alliances which will make a drug-free New Mexico a reality. And the objective of the red ribbon campaign is to reduce and ultimately eliminate drug use in New Mexico, particularly among our young people.

The goal can be accomplished by changing attitudes of young people about drugs through awareness and education of the damage of drugs and alcohol abuse, and by demonstrating the support of family, of friends, of the community for a drug-free State.

Additionally, by creating an awareness of the local drug problems, we hope to establish or bring focus to local parent groups, and there are a number of parent groups who are addressing this problem. In essence, what we're trying to do is to convert a flashlight to a laser: instead of just illuminating the problem, get the energy so focused and concentrated, it will really burn a hole in it, and that's the intent of the red ribbon campaign.

We have 49 communities targeted in New Mexico. All those communities are organized, the Governor has appointed a community campaign manager for each. In each of these communities, no-host luncheons or dinners have been scheduled or have been held to kick off the campaign.

These affairs have brought together all of the community leaders, political, the business, education, medical, law enforcement, parent groups, medical, social organizations, asking them to join together for a common purpose. The executive director, Dorothy Rothermal of New Mexico provides the guidance and suggestions of the overall campaign direction, day to day. There are a number of activities that are being planned throughout the State as we go forward in participation with business and the schools. Walkathons. A State theme song has been composed. Football teams are using stickers, red ribbon stickers going on football helmets. Businesses are adopting schools and providing loaned executives to help in the drug awareness campaign.

Our two major universities have dedicated a half-time show at a home football game in which youth groups perform and plan activities, and I might add, that may be more exciting than the football games, given the records of those two universities at the moment.

In my own company, we plan to use bumper stickers and employees will be asked to wear red ribbons, and all of our customer contact employees will close their contacts with a message of support for the campaign and we will provide literature to our customers at our bill payment centers.

Obviously there's much more that can be done. We are looking at those activities that we can continue as we go forward into 1989. We are part of the national campaign effort to have all of our activities culminate in a major red ribbon week, the week of October 23 in New Mexico. And I will close my remarks there and I appreciate the opportunity.

Senator DECONCINI. Thank you, Mr. Swan, that very helpful testimony. I'm a little familiar with your program. I didn't realize New Mexico was such a leader in it. My compliments to you.

Dr. **Kemble**. Mr. Chairman, if you don't mind, I'll make a general statement for the three of us. That will save us all time. We will then make ourselves available for questions.

Senator **DeConcini**. That's fine.

Dr. **Kemble**. Mr. Chairman, I am Robert Kemble cabinet secretary of the department of public safety, and first of all I want to say that Governor Carruthers regrets that he cannot be here. He had some previous commitments he felt obliged to stay with.

With me is Chief Curran, and you know that Chief Curran has long been in this field, particularly in Operation Alliance and Operation Pipeline. I also have Jim Wilson with me. I appointed Jim to head up the narcotics enforcement and coordination team last fall, because we felt that we did not have the kind of solid information that was to really react in the most efficient fashion to the drug situation in the State of New Mexico.

As I said, I'll just make a general statement for the three of us and then we'll make ourselves available for your questions.

To start with, it might be well to just give you some background observations, particularly as may be compared to where we were last year at Las Cruces when we met with you at that time. I think first of all we can say we know a good deal more about the drug situation in New Mexico than we did a year ago.

As I said, our enforcement coordination team operating from forfeiture moneys has been developing the information which is kind of a sensible, we hope, management survey inventory of what's going on in this State, what resources are being used or were not being used, where the gaps are, where the overlaps are, where the good programs are, the effective programs, and so on.

Mr. Wilson is now finalizing those reports of that inventory, and that review should be ready in the next few days.

I think the second generalization I would make is that based on this more thorough knowledge of the situation facing us, it is our intention to finalize some recommendations for the Governor's consideration to affect some substantial adjustments in our overall drug control programs in New Mexico very shortly. I've had preliminary discussions with the Governor. He's indicated he's prepared to receive those and act on the recommendations within the very near future.

As a corollary to those endeavors, the department of public safety has also been expanding rather special efforts to establish a network of working relations with our counterparts throughout the State. We have conducted a series of meetings across the State as well as with Federal groups that you had before you this morning. And they weren't exclusively meetings directed toward drug abuse and drug control problems but a good portion involved those connected to that.

I think it's fair to say that at this point both State and local law enforcement people are much better prepared to work together in an integrated, comprehensive fashion to address safety issues in general and drug use and drug control in particular.

I think also that our timing has been fortunate in the sense that we're aware and have been discussing together the likelihood of additional Federal involvement in the drug war, and we are trying to come up with ways and means by which we can most effectively anticipate what you're going to do at the Federal level and relate those and integrate those with our efforts.

Now with that background a few other observations relating of specific interest here today, namely the fact of drugs crossing the Mexico-New Mexico border. As already has been indicated, that isn't our primary problem. Of course, we, in the State of New Mexico, look at the drug problem as a whole, but that certainly is a substantial part of it and we attempt to deal with that drug traffic in basically two ways, attempts to coordinate with the Federal agencies to interdict narcotics as they come across the border then followup efforts to interdict the flow of major drug shipments throughout and across our State.

From our observations and involvements over the past year, and as I said, frankly, I think we'd be prudent to tell you it is very difficult always to make these kind of estimates and we don't think we've got the basic statistical data right now to give you very hard estimates. But I think our general observation would be that traffic in narcotics across the border, across our border and our ability, our success in interdicting those is about the same as it was last year. We certainly continue to endorse the Operation Alliance program as an important tool, not only because the operation coordination that I spoke of here today but because it brings training that's helpful as well.

I think we substantially need to develop that in our program.

I think the same generalizations could apply to the flow of major drug shipments throughout the State and across the State. We do know the size of the individual shipments are becoming smaller because the tactics are changing to bring in smaller shipments and then to stockpile those and then send them out in larger bundles later on. Therefore, our seizures are smaller.

In the area which has already been talked about, the greatest proportion of increase of drug activity in the State of New Mexico in the past years is the manufacture of amphetamines. The number of known operations has increased substantially, probably threefold. The number of arrests and subsequent dismantling of drug manufacturing operations has increased accordingly. As you know, there are also special safety problems relating to taking down those operations and we are only now, with the Federal people, working out how to best handle that part of the problem.

I would say also to you at this point that as Mr. Lutz and others indicated, we've already drafted the legislation to fill the gap which is a problem. It's modeled—I haven't seen the draft yet, but the research and planning office in our department is finalizing it now, they've used models of other States.

While I wish that there were some other conclusions to reach at this point there appears to be a very successful ad hoc piecemeal operation, and in spite of some commendable cooperation in the border interdiction efforts, the use and flow of drugs in the State of New Mexico continues to increase overall.

Now mindful of the height of interest and apparent determination on the part of Congress to make a major thrust of the war on drugs, as I said, I think that reviewing those possibilities not just within the department but through the sources of local law enforcement people, in order to be able to best advise you and your colleagues in spending Federal dollars and plans, we've had a series of meetings to that extent including members of the national drug board and others to share our thoughts.

First of all, I would say we certainly applaud the overall drug law drafts that Senator Domenici has shared with us. We generally support all of those. I think we would make these specific points.

First, while clearly we in New Mexico can still do a good deal more to maximize the return on our own resources in the drug war, I think without dramatically increased Federal assistance we're not going to achieve sustained successes.

Second, we think that whatever is done at the Federal or State levels must be done obviously in a nonpartisan fashion and in such a way that the antidrug program has real continuity and endurance. There is just no question that it is going to be a very long-term fight.

The third point, we certainly encourage the establishment of a top level position of some overbridging authority to supervise and coordinate the planning and operations in both the demand and supply areas. Our survey has revealed due to the shortage of manpower or the optimum coordination of manpower resources, the Federal and local agencies have at times been unable to support total efforts to stem the flow of drugs in the State.

The fourth point, we would applaud a real increase in preplanned involvement of military forces including both Federal and National Guard capabilities, but particularly in detection, intelligence, and operational support areas. We don't think the military should be thrust into the position of being law enforcement officials, except under very extraordinary circumstances.

And last, we believe that the Federal Government should draft legislation which provides supplemental funding to the drug war to the several States, whether that money comes ultimately from forfeiture moneys or other resources, but I think it is essential that there be more resources and support. It's got to be done in a fashion that does three things. First of all, it's got to be done in a regularized, predictable, and budgetable fashion if it's going to be effective.

Second, it's got to ensure very clearly that those funds are in truth supplemental funds and do not replace operational budgets. That's got to be ensured.

Third, that the receiving States and agencies have maximum flexibility to deploy those resources as meets their particular local needs in order to get maximum results.

PREPARED STATEMENT

I think those would be our generalizations. We'd be happy to answer any questions. We've already raised a number of them that I'm sure Chief Curran with his law experience, and Jim with his hard work during the last year can answer for you.

[The statement follows:]

STATEMENT OF ROBERT KEMBLE

I AM ROBERT KEMBLE, CABINET SECRETARY DEPARTMENT OF PUBLIC SAFETY, STATE OF NEW MEXICO. GOVERNOR CARRUTHERS REGRETS THAT BY THE TIME HE HAD RECEIVED NOTIFICATION OF THIS MEETING, HE HAD COMMITTED HIMSELF TO ACTIVITIES WHICH HE FEELS OBLIGATED TO ATTEND; THEREFORE, I AM REPRESENTING HIM TODAY. WITH ME, AS PER YOUR INVITATION, IS CHIEF NEIL CURRAN OF THE NEW MEXICO STATE POLICE WHOM, AS YOU KNOW, HAS A LONG RECORD OF EXPERIENCE IN NARCOTICS ENFORCEMENT INCLUDING "OPERATION ALLIANCE" AND "OPERATION PIPELINE". ALSO WITH ME IS MR. JAMES WILSON WHO I APPOINTED LAST YEAR TO HEAD UP A NARCOTICS ENFORCEMENT COORDINATING TEAM OPERATING OUT OF THE DEPARTMENT OF PUBLIC SAFETY.

I BELIEVE WE CAN BEST SERVE YOUR PURPOSE BY PROVIDING SOME BRIEF COMMENTS AND OBSERVATIONS, THEN MAKING OURSELVES AVAILABLE TO ANSWER YOUR QUESTIONS. TO THAT END, I WILL SPEAK FOR THE THREE OF US.

TO BEGIN WITH, SOME BACKGROUND OBSERVATIONS MIGHT BE IN ORDER, PARTICULARLY AS RELATED TO WHERE WE WERE ABOUT A YEAR AGO WHEN YOUR COMMITTEE MET IN LAS CRUCES.

FIRST OF ALL, WE NOW KNOW A GOOD DEAL MORE ABOUT THE DRUG SITUATION IN NEW MEXICO. THE NARCOTICS ENFORCEMENT COORDINATING TEAM (NECT), WHICH OPERATES OUT OF FORFEITURE MONIES UNDER THE GUIDANCE OF MR. WILSON, HAS BEEN CHARGED WITH DOING A MANAGEMENT INVENTORY AND SURVEY OF ILLICIT DRUG USE AND TRAFFICKING OPERATIONS IN OUR STATE. FOR THE PAST SEVERAL MONTHS, HE AND HIS COLLEAGUES HAVE BEEN DOING A COMPREHENSIVE REVIEW OF THE

DRUG SITUATION, INCLUDING INFORMATION DEVELOPED FROM FIRSTHAND IN-DEPTH DISCUSSIONS WITH LOCAL AND FEDERAL AUTHORITIES OPERATING WITHIN THE STATE, FROM AVAILABLE STATISTICAL DATA, AND OTHER RELIABLE SOURCES. MR. WILSON IS NOW FINALIZING THE FIRST REPORT OF THAT INVENTORY AND REVIEW WHICH SHOULD BE READY WITHIN A FEW DAYS.

SECONDLY, BASED ON OUR MORE THOROUGH KNOWLEDGE OF THE SITUATION FACING US, IT IS OUR INTENTION TO FINALIZE SOME RECOMMENDATIONS FOR THE GOVERNOR'S CONSIDERATION TO EFFECT SUBSTANTIAL ADJUSTMENTS IN OUR OVERALL DRUG CONTROL APPROACH WITHIN NEW MEXICO. PRELIMINARY DISCUSSIONS WITH THE GOVERNOR HAVE INDICATED THAT HE IS PREPARED TO RECEIVE AND ACT UPON THOSE RECOMMENDATIONS WITHIN THE VERY NEAR FUTURE.

AS A COROLLARY TO THOSE ENDEAVORS, THE DEPARTMENT OF PUBLIC SAFETY HAS ALSO BEEN EXTENDING SPECIAL EFFORTS TO ESTABLISH A NETWORK OF WORKING RELATIONS WITH OUR COUNTERPARTS THROUGHOUT THE STATE. WE HAVE CONDUCTED A SERIES OF MEETING ACROSS THE STATE, COORDINATING PUBLIC SAFETY INTERESTS AND ACTIVITIES AT THE LOCAL AND STATE LEVELS. I BELIEVE IT'S FAIR TO SAY THAT AT THIS POINT BOTH STATE AND LOCAL LAW ENFORCEMENT AGENCIES ARE MUCH BETTER PREPARED AND READY FOR A COMPREHENSIVE APPROACH TO PUBLIC SAFETY PROBLEMS IN GENERAL AND DRUG ENFORCEMENT ACTIVITIES IN PARTICULAR. MOREOVER, WE ARE AWARE AND HAVE BEEN DISCUSSING TOGETHER THE LIKELIHOOD OF ADDITIONAL FEDERAL INVOLVEMENT IN THE DRUG WAR AND ARE THOUGHTFULLY PREPARING WAYS AND MEANS BY WHICH WE CAN MOST EFFECTIVELY

ANTICIPATE FEDERAL LEGISLATION AND INTEGRATE OUR ONGOING EFFORTS WITH YOUR INITIATIVES.

WITH THAT BACKGROUND, LET ME MAKE A FEW OBSERVATIONS RELATING TO THE SPECIFIC INTEREST HERE TODAY, I.E., THE TRAFFICKING OF DRUGS ACROSS THE MEXICO/NEW MEXICO BORDER. AS YOU KNOW, WE ATTEMPT TO DEAL WITH THAT MAJOR DRUG TRAFFIC IN SUBSTANTIALLY TWO WAYS: IN OUR ATTEMPTS, IN COORDINATION WITH FEDERAL AGENCIES, TO INTERDICT NARCOTICS AS THEY COME ACROSS THE BORDER AND IN OUR EFFORTS TO INTERDICT THE FLOW OF MAJOR DRUG SHIPMENTS THROUGHOUT AND ACROSS OUR STATE.

FROM OUR OBSERVATIONS AND INVOLVEMENT, BOTH THE TRAFFICKING OF NARCOTICS ACROSS THE SOUTHERN BORDER AND OUR SUCCESS AT INTERDICTING THOSE IS AT ABOUT THE SAME LEVEL AS LAST YEAR. WE CONTINUE TO ENDORSE THE OPERATION ALLIANCE PROGRAM AS AN IMPORTANT TOOL, NOT ONLY IN THE OPERATIONAL COORDINATION THAT IT BRINGS BUT IN THE TRAINING IT HELPS PROVIDE. WE WOULD BE SUBSTANTIALLY WEAKER WITHOUT IT.

THE SAME GENERALIZATIONS WOULD APPLY TO THE FLOW OF MAJOR DRUG SHIPMENTS THROUGHOUT AND ACROSS THE STATE OF NEW MEXICO. WE DO NOTE THAT THE SIZES OF THE INDIVIDUAL SHIPMENTS ARE BECOMING SMALLER AND, THEREFORE, THE SEIZURES ARE THEMSELVES GENERALLY DECREASING IN SIZE.

THE AREA IN WHICH THERE IS THE GREATEST PROPORTIONATE INCREASE OF DRUG ACTIVITY WITHIN THE STATE OF NEW MEXICO WITHIN THE PAST YEAR IS, IN FACT, IN THE MANUFACTURE OF

METHAMPHETAMINE. THE NUMBER OF KNOWN OPERATIONS HAS INCREASED SUBSTANTIALLY, PROBABLY THREEFOLD, AND THE NUMBER OF ARRESTS AND SUBSEQUENT DISMANTLING OF SUCH DRUG MANUFACTURING OPERATIONS HAVE INCREASED ACCORDINGLY. AS YOU KNOW, THERE ARE SOME VERY SPECIAL SAFETY PROBLEMS RELATED IN DEALING WITH THE METHAMPHETAMINE LABS WHICH WE---FEDERAL, STATE AND LOCAL AUTHORITIES---ARE ONLY NOW ADDRESSING IN A COMPREHENSIVE WAY.

WHILE I WISH THAT THERE WERE OTHER CONCLUSIONS TO REACH, THE MOST CENTRAL POINT APPEARS TO BE THAT IN SPITE OF SOME VERY SUCCESSFUL AD HOC AND PIECEMEAL OPERATIONS, AND IN SPITE OF COMMENDABLE COOPERATION IN THE BORDER INTERDICTION ENDEAVORS, THE USE OF AND FLOW OF DRUGS IN THE STATE OF NEW MEXICO CONTINUES TO INCREASE.

MINDFUL OF THE HEIGHTENED INTEREST AND APPARENT DETERMINATION ON THE PART OF CONGRESS TO MAKE A MAJOR NEW THRUST IN THE WAR ON DRUGS, WE IN NEW MEXICO HAVE BEEN REVIEWING THOSE POSSIBILITIES IN ORDER TO BE ABLE TO BEST ADVISE YOU AND YOUR COLLEAGUES IN FRAMING THE FEDERAL PLANS AND LAWS. WE HAVE HAD A SERIES OF MEETINGS WITH LOCAL AND STATE OPERATORS AND HAVE REACHED THE FOLLOWING RECOMMENDATIONS:

1. WHILE CLEARLY WE IN NEW MEXICO CAN STILL DO MORE TO MAXIMIZE THE RETURN ON OUR RESOURCES IN THE DRUG WAR, DRAMATICALLY INCREASED FEDERAL ASSISTANCE IS ABSOLUTELY ESSENTIAL TO SUSTAINED SUCCESS.

2. WE THINK WHATEVER IS DONE AT THE FEDERAL OR STATE LEVELS MUST BE DONE IN A NONPARTISAN FASHION AND IN SUCH A WAY THAT THE ANTI-DRUG PROGRAM HAS REAL CONTINUITY AND ENDURANCE. THERE IS NO QUESTION THAT THIS IS GOING TO BE A VERY LONG-TERM FIGHT.

3. WE CERTAINLY ENCOURAGE THE ESTABLISHMENT OF A TOP-LEVEL POSITION OF OVERBRIDGING AUTHORITY TO SUPERVISE AND COORDINATE THE PLANNING AND OPERATIONS IN BOTH THE DEMAND AND SUPPLY ARENAS. OUR SURVEY HAS REVEALED THAT DUE TO THE SHORTAGE OR OPTIMUM COORDINATION OF MANPOWER RESOURCES, THE FEDERAL AGENCIES AND LOCAL ENFORCEMENT AGENCIES HAVE AT TIMES BEEN UNABLE TO SUPPORT OUR ENDEAVORS TO STEM THE FLOW OF DRUGS IN OUR STATE.

4. WE WOULD APPLAUD A REAL INCREASE IN PREPLANNED INVOLVEMENT OF THE MILITARY FORCES (INCLUDING BOTH FEDERAL AND NATIONAL GUARD CAPABILITIES) BUT PARTICULARLY IN THE DETECTION, INTELLIGENCE, AND OPERATIONAL SUPPORT AREAS. WE DO NOT THINK THE MILITARY SHOULD BE THRUST INTO THE POSITION OF BEING LAW ENFORCEMENT OFFICIALS, EXCEPT UNDER VERY EXTRAORDINARY CIRCUMSTANCES.

5. WE BELIEVE THE FEDERAL GOVERNMENT SHOULD DRAFT LEGISLATION WHICH PROVIDES SUPPLEMENTAL FUNDING FOR THE DRUG WAR TO THE SEVERAL STATES--WHETHER FROM FORFEITURES OR OTHER RESOURCES--BUT DONE IN A FASHION (A) WHICH WOULD ENSURE A REGULARIZED, PREDICTABLE, AND BUDGETBLE FLOW OF FUNDS, (B) THAT ENSURES THOSE FUNDS, IN TRUTH, SUPPLEMENT AND DO NOT REPLACE OPERATIONAL BUDGETS, AND (C) THAT THE RECEIVING STATES AND AGENCIES HAVE MAXIMUM FLEXIBILITY IN THE DEPLOYMENT OF THOSE FUNDS TO MEET THEIR LOCAL NEEDS, AS LONG AS THEY ARE USED FOR DRUG CONTROL.

WE THANK YOU FOR YOUR PERSONAL AND PARTICULAR INTEREST IN THIS MOST IMPORTANT SUBJECT AND WE WILL BE PLEASED TO ANSWER ANY QUESTIONS.

Senator **DeConcini**. Dr. Kemble, thank you very much for your testimony. Please convey my thanks to the Governor for his involvement and for your leadership and that of the people you have with you here. We have legislatively established a State and local drug grant program. Unfortunately, 1988 was not a banner year, after the Gramm-Rudman Act as well as the administration's ruling it out, although Congress did appropriate $70 million.

In this upcoming drug bill we have $230 million that have been authorized and will be appropriated, and also in the 1979 (sic) bill we have, it looks like, appropriated about $70 million matching 1988. Just how important is this to a State this size, to the police, State police and local law enforcement agencies? Did you get any of the $70 million? Are you anticipating getting any of this? I know I'm asking a long question.

The proposed bill has a match, 75 percent Federal, 25 percent State for the purpose that this money would not be used to supplement something. You'd have to have a program and a commitment. Can you give us advice and counsel on whether or not this is really beneficial to you and what we can do to make it more effective?

Dr. **Kemble**. Let me—maybe I can be more specific. In general, yes; the funds have been, we've been able to get them dispensed and be very effective, but they have been more individually directed toward certain projects on a grant kind of basis. I think what would be very helpful and I think we've heard this thought reflected in our meetings with the local law enforcement people, is that there could be established at the State level parallel to something established at the Federal level, some kind of administrative control capability so that we could get a substantial amount of resources and then in careful determination redistribute those resources to fit overall which I think would be particularly helpful. I won't elaborate on this, but as he went around the State and came back and reported to me, one of the things he said to us is that the local law enforcement people are particularly looking for some kind of coordination and they look now to the State level. They're asking for some kind of——

Senator **DeConcini**. You would have no problem putting together a State plan. This legislation anticipates that the State has to put together a plan that includes taking in local requests.

Dr. **Kemble**. I would not only not have a problem I would say that we will never be totally effective without it.

Senator **DeConcini**. What kind of effect, if any, have you had, Mr. Wilson? Have you seen some of these funds coming to the local projects?

Mr. **Wilson**. Yes; we have. We've—as you know, since you originated the concept, we have a risk project that serves New Mexico as one of the Rocky Mountain States. They have an organized crime and narcotics branch——

Senator **DeConcini**. Those are direct grants from these risk funds?

Mr. **Wilson**. Yes; the organized crime and narcotics branch grant is for $250,000, $80,000 of which is for the overtime of our narcotics agents, which was variable, inasmuch as we have lost that in the last legislative session. And since narcotics traffickers aren't working from 8 a.m. to 5 p.m. or normal business hours, it's had a real detrimental impact on our narcotics enforcement activities. There was a number of other grants pending, but I would also say that the money that you've given the National Institute of Justice have been very helpful.

Senator DECONCINI. Have you been able to get some of those?

Mr. WILSON. Well, we've been able to get some of those and we've been able to benefit from research that's come out of them.

Senator DECONCINI. Now, Mr. Curran, maybe you could comment on this. A program that would require a match, 25 percent from the State, is that doable?

Mr. CURRAN. From the State standpoint, we have no problem with it because we can use confiscated forfeit funds to match. But speaking in behalf of some of the smaller communities and some of the smaller, poorer counties in the State of New Mexico, they do have a real problem with that, and one of our initial problems was, we were late in getting our strategy planned and in, and requesting funding, but unfortunately, many of the smaller communities did not have the match in their budget, so consequently it has created a situation where the funds are available but we can't get them because we don't have the match.

Senator DECONCINI. Is there any way the State could help in that match with the locals? Did you consider that in your State plan?

Mr. CURRAN. Initially, 2 years ago, when the money became available, my recommendation was to use confiscated money at the State level to match that across the board, the 25 percent across the board. The State of New Mexico is eligible for $1.4 million of the $70 million, which is about $1 per capita. And I was hoping that the State would pick up the 25-percent match and provide a mechanism for those smaller communities to apply for it.

Senator DECONCINI. So you might have that in your State plan. Dr. Kemble, this drug bill that's going through the process now adds an additional forfeiture provision. As you probably know, the forfeiture laws now are divided between the local, State, and Federal law enforcement agencies for what they've actually expended, and then, the Feds don't want to give up the airplanes and what have you. We're talking about authorizing all of those excess dollars, which amounted, I think, to less than $100 million last year, would be available for this drug czar or national drug coordinator to allocate back to the States. I presume that would be advantageous if the national drug coordinator was to do that. That would be on top of this amount here.

Dr. KEMBLE. I would think it would be very advantageous and I think that's the kind of broad-based planning that needs to be done.

Somebody has to be able to look at all of the resources being divided and say well, in this particular State, there's special problems, there's difficulty in providing any kind of support, military or whatever. In that particular State, we have no way to do this. For instance, National Guards are by nature not the same types of National Guards, and some are more apt to help in drug wars than others and somebody up there has got to have the ability to assess those things and coordinate those things.

Senator DECONCINI. As to the forfeiture funds, is it your opinion that the local law enforcement agencies, and I mean the State as well, get their share of those forfeited funds? Are the Federal agencies fair on those distributions? Do you feel that you get——

Mr. CURRAN. Let me answer that in two ways. Historically, the New Mexico State Police have filed on moneys generated from seizures, primarily as it relates to the highway interdiction program, Operation Pipeline, within the State courts. Even though we had available to us the Federal Forfeiture Act, we chose to go through the State courts, and primarily, the reasoning for that was that we have been very successful.

We have not utilized the Federal System Forfeiture Act to any degree within the New Mexico State Police.

Senator DECONCINI. You don't get any of those——

Mr. CURRAN. We have, yes, we have. We have probably realized about $80,000 last year. The Federal Government, U.S. Customs, have provided an aircraft to us under a lease agreement which was not pursuant to the forfeiture proceedings. We have received other equipment from U.S. Customs pursuant to civil forfeiture, aircraft as an example, vehicles.

But as it relates to the city and county agencies, the Albuquerque Police Department, Chief Baca, has been very, very successful in utilizing the Federal Forfeiture Act. The Las Cruces Metro at Las Cruces, working very closely with U.S. border patrol, U.S. Customs, DEA, have utilized it very effectively.

Senator DECONCINI. You think it's a good——

Mr. CURRAN. Yes; it is. Most recently, just last week, the Eddy County Sheriff's Department received an aircraft, I understand, with a couple more in abeyance. It's beginning to work. We sat back I suppose, and didn't get involved in it, and consequently it's beginning to take hold. I think that is the best piece of legislation that was passed, asset sharing. It eliminates a lot of the turf war problems that we've had in the past because we're primarily, unfortunately, looking at revenues rather than the overall problem.

Senator DECONCINI. Thank you. I yield to you, Senator.

Senator DOMENICI. Thank you, Mr. Chairman. On this issue of forfeiture, I want to go on record as one who was cautious about it or just expressed some caution about our law enforcement officers growing dependent upon it. I support the measure. I support what our chairman has tried to do, but I also can see some problems down the line if law enforcement agencies begin to rely for programmatic funding or for personnel on the moneys from forfeitures. First of all, it's not reliable enough; second, I don't think we want to get ourselves into a circle of trying to pay for law enforcement by finding forfeiture opportunities. I'm not so sure that's the best approach in the world.

Having said that, I wonder, Dr. Kemble, if you could tell us, do you know whether there is a drop in use of illegal drugs at the high school level for those who are regularly attending high school in New Mexico?

Mr. SWAN. We have just completed a survey of New Mexico law enforcement agencies as to their perspective. We have not dealt with the schools and the student populations per se. There was a perception of most of the law enforcement officials we talked to in various communities that there had been a reduction in terms of cocaine, PCP and some of the more dangerous drugs, but an increase in alcohol consumption.

Senator **Domenici**. I think that perception is confirmed by the limited numbers we have nationally that alcohol is up at the high school level, but for regular attendees, hard drugs are down. That does not mean the problem with young people is down, because notice that it's regular attendees that we're finding a diminution in, but we have a huge dropout population and a not so regular attendee population that there's speculation on the numbers but the speculation is that it's up dramatically there, the hard drugs.

Dr. **Kemble**. Senator, if I may, there is some limited research that indicates that there is a relationship between awareness and education of substance abuse and some drop in use. Earlier this morning I was talking with a member of the Albuquerque Public Schools who was relating to me a study done here in Albuquerque in 1986 that indicates that parents continue to be the single most important influence on whether a student will or will not use drugs, and therefore, some effort is being made to create greater education awareness among the parents and their role and influence over the students.

Mr. **Curran**. I would add from the law enforcement point of view, we frankly don't have—we're just not building that kind of base of statistics, because for too long we have taken the approach that drug abuse is just another one of the crimes that we are faced with, property crimes, traffic fatality problems and so on, and it's been dealt with in that fashion. We have not built the kind of base of statistical data that will help us and that's one of the findings that Jim had out of his survey.

So we badly need that.

Senator **Domenici**. Mr. Chairman, I just have one last question for all the witnesses or any of them, just a comment on it. We are going to take up a drug bill in the U.S. Senate, as the House has done or is doing. While I'm not sure we're going to get the bill out with enough money to do a real job this year, I think we'll pass some measure, and I want to suggest to you that there will be some effort to address the issue of punishment or measured responses to the users in this country.

As I've indicated before, I don't think personally that we're going to solve this problem so long as people like Lawrence Taylor and others get a 30-day suspension from making $1.2 million to play football and they get no fines, they get nothing. I frankly believe that those kind of peer models on the second or third offense ought to be kicked out of pro football myself, but that may be part of somebody else's measured response.

But I want to ask this question: If I'm going to introduce an amendment, and I believe a number of Senators are going to support it, and I think Dennis is, I'm asking for a uniform measured response at the national level where Governors and attorney generals would meet and we would prepare a uniform suggested code for measured response to be adopted by the States in the area of increased penalties for drug users, the loss or forfeiture of certain privileges, of mandatory rehabilitation and/or treatment and a uniform approach to drug testing, the idea being that we would send that back to the States after we unify it.

The States would be free to adopt it but with pressure. If we could get most of them adopting it, then we would have everybody responding to the user in the courts or administrative tribunals or elsewhere in the same manner.

Could I just ask whether that makes sense to you all, based on your activity?

Dr. **Kemble**. I'll begin by saying it makes very good sense to me. As you know, it is much easier within a single State to apply standards that are seen as national norms, in what field you're dealing with, and they're helpful. We're looking at a number of things like alternative sentencing and that sort of thing that can be applied and any work that can be done at the Federal level would enhance our resources and thinking.

Senator **Domenici**. Chief?

Mr. **Curran**. We in law enforcement support it 100 percent and we do need direction, but more importantly, we need to be uniform. And I mean uniform from State to State, but also within our own State, and this has been the problem for years. We have different thresholds for prosecution whether it's Federal or State and depending upon which location you're from or which judicial district you represent. So the direction would be fantastic, and this is basically what we need.

As an example, we've taken some initiatives to start such programs here in New Mexico. We're trying to encourage a drug-free State fair this year. We're trying to encourage the participants in our New Mexico State Fair not to use illegal drugs while visiting the fairgrounds and we're trying to control the use of alcohol to designated areas rather than to leave it free flow, and I think these are just initiatives that needs to be implemented throughout the country uniformly so the public will know what to expect.

And basically what we're encouraging the public to do is to comply with, if you want to use the terminology, zero tolerance at our New Mexico State Fair.

Senator **DeConcini**. Senator Bingaman?

Senator **Bingaman**. Thank you, Mr. Chairman. Let me first compliment Duffy Swan on the State's campaign. I'm really not aware of all that is going on, but it's very impressive and a compliment to the Governor.

I missed a bit of your testimony, but I gather you cited a study that indicated 37 percent of the fourth through the sixth graders in at least one of our school districts said they drank alcohol. Is that an accurate statistic—is that one of the statistics you cited?

Mr. **Swan**. Yes; that's correct.

Senator **Bingaman**. I've always had the idea that to really make a dent on the drug problem through education in our schools, you couldn't just say, "just say no to drugs" and that would be adequate. You had to do more, you had to develop a comprehensive curriculum or program to educate kids about their health and about steps they could take to stay healthy. And you had to teach them about threats to their health, including alcohol, drugs, and other dangerous substances. To what extent are you trying to address the problem of alcohol or the use of alcohol in this campaign?

Politically, that's a very tough issue but the testimony we've received in the Armed Services Committee on this issue indicates that the crossover is tremendous between drug users and alcoholics. Often, when people who develop an alcohol dependency problem, then they develop a drug problem, and vice-versa. I just wondered to what extent your campaign is trying to deal with the alcoholism issue a well as drugs?

Mr. SWAN. The campaign is directed to both the alcohol issue and to substance abuse in the broader sense of the term. When we look at the red ribbon campaign, we're really addressing misuse of legal substances as well as the use of illegal substances, and that's where the focus is. We are trying to work with the school systems to build in from K through 12, an ongoing program of education about substance abuse in the broadest sense of the term. We've get a ways to go. We are not going to do that overnight. We are only at the starting point for that. It's going to take continued involvement by the State legislature, educators, the medical community, existing organizations, and agencies that are dealing with substance abuse problems in the State.

But at least we're getting a reasonable amount of community awareness of these kinds of activities that need to be undertaken and pressure is beginning to move in that direction. If nothing else, this year is a year of building a base, building a foundation that we can continue to, go forward.

I don't think you will see—if you look back year from now you will not see any significant change in statistics just due to the red ribbon campaign. It's going to be a while.

Senator BINGAMAN. I know that the State board of education has required the teaching of health education in our schools for many years, but I have a great deal of trouble finding a school district where it's taught. It's one of those things that always comes last when the administrators start figuring out how much time and how many actual classroom hours they have. They've got demands to teach math and to teach English, and health education falls off the end of the table and never gets taught.

I've long felt that comprehensive health education is a major step in long term solutions to these problems.

Mr. SWAN. Part of that, if I may add, Senator, is that we are trying to increasingly draw on the resourcing of New Mexico HealthNet. For example, we already have another network in place to help funnel those kind of resources and pressures and awareness. I mention that again, that's——

Senator BINGAMAN. I should tell my colleagues this wasn't a planted question.

Senator DOMENICI. I saw you give him the signal.

Senator BINGAMAN. Let me ask Jim Wilson, or anyone who would like to comment, about our ability to get adequate statistical data, in a uniform manner with which to make decisions. I tried to get at that with some of the witnesses in the first panel, but obviously did not ask the questions properly or did not get the answers I had expected.

It was my sense, coming into this hearing today, that this is a major problem. We do not gather statistics on a uniform basis, we don't collate them in a way that's usable by people who make policy and budget decisions. One Federal agency does it one way, another Federal agency does it another way. The State may do it yet another way. Is this a problem? Is it something we should address?

Mr. WILSON. Mr. Chairman, this is the second assessment of the illicit narcotic traffic that I've been involved in in this State. One was in 1984 and the other this year. Each one of those was impeded significantly by the lack of data. The FBI is the suppository for uniform crime reporting. Federal agencies, however, do not report to the Uniform Crime Reporting Bureau of the FBI. They do not contribute to UCR statistics. They don't report arrests systematically, they don't report seizures systematically, the States and local agencies do a far better job of that than the Federal agents do, and it was a mandate of the International Association of Chiefs of police initially, it was later picked up by the Bureau.

Presently, the State of New Mexico, since they dropped the crime reporting program in 1981, faces a real deficit in trying to determine how well we're doing in crime trends, whether we actually influence the property crime rate by arresting heroin users and things of that nature. It's a real problem, and I don't know what it's going to take, but we need some uniform way of measuring so we know what's happening at the baseline. At this point we don't.

Dr. KEMBLE. We're not just casting stones at the Federal people. We have the same problems in the State.

Senator BINGAMAN. Would an amendment mandating compliance with a uniform crime reporting system, an amendment to the omnibus drug bill that the chairman and Senator Domenici are talking about, be helpful in insuring that we regularly get the information we need, to deal with these problems?

Mr. WILSON. Well, in my estimation there's no question that the data would be helpful, but I don't feel qualified to say whether that's a good idea because I'm not sure what the impact would be on the agencies that would be required to submit it.

Dr. KEMBLE. Immediately I couldn't give you a sense of what kind of resources are needed for that, but if we're going to be serious about a war on drugs, I know that it's going to be a long and sustained effort. Clearly we have to start building a basis by which we can measure our efforts and work as we progress along. It's got to start some place and it's got to start some time. Whether an amendment itself is the way to go, I don't know. Immediately it is appealing to me, but you know, I'd have to think about how much is going to be diverted from, say, other resources toward other parts of this overall war on drugs or drug control act, to give you the—a good answer.

Senator BINGAMAN. Mr. Chairman, we may explore that to determine whether there is something useful we can do. I will consult with you before the omnibus antidrug abuse bill comes to the floor.

Senator DECONCINI. I think that's worthwhile, and I urge the Senator from New Mexico to try to get that to the working group on the Democratic side early next week.

Dr. KEMBLE. Mr. Chairman, Senator Bingaman, we'll be happy to also apply our thoughts to that in the week or so and try to give you some better opinion.

Senator DOMENICI. Let me say, Jeff, that aside and apart from the uniformity, which is one issue, it is now rather common knowledge that what we are recording and reporting under current uniform collection of information does not help a great deal in determining the facts of drugs and the proliferation of drugs. So we might have two issues; we might have uniformity and we might have scope, as I understand it.

Senator **BINGAMAN**. It makes good sense.

Senator **DOMENICI**. There are a few experts that told us that just to develop the numbers they're giving us about arrests and prosecutions don't even scratch the surface of records of drug information.

Senator **BINGAMAN**. With respect to the illicit manufacturing of methamphetamines, I understand that the legislation you drafted will be introduced during the next long session of the State legislature. If it's passed with an emergency clause, it would take effect in late March or April—6 or 7 months from now.

The Federal legislation that is to be introduced next month will have provisions authorizing DEA to monitor methamphetamine manufacture. Once the Federal law is in place, could you assist the DEA in dealing with this problem in New Mexico? Will the Federal law give you the ability within the next 2 months, if we can get it passed and signed by the President, to step in and help deal with this problem?

Dr. **KEMBLE**. My general answer is as I understand the legislation now, yes, it would be helpful but we would still need supplemental State laws. I would say that the DEA operating in this State with the level of resources and manpower that they've got, they're absolutely going to have to have the help of the State police and others, local law enforcement, to effect what needs to be done in that area.

Senator **BINGAMAN**. Chief Curran?

Mr. **CURRAN**. We have not had the privilege to review the legislation that has been drafted federally, so it would be unfair to evaluate it. But it's my understanding it would support the issue in the State of New Mexico. But we need to continue to proceed on our legislation if we're going to encourage the chemists in the clandestine labs to go to some other area, hopefully curtail their operations.

Senator **BINGAMAN**. I certainly favor going forward with the State legislation. But if we could, get copies of the Federal legislation to you, would you be able to review it so that we could, get your impression of its usefulness? I would like to know whether you think it gives DEA enough authority and whether you have the ability to work in a cross-deputized situation with DEA to help them get the job done.

Mr. **CURRAN**. We have no problem in enforcing Federal statutes, due to the fact that we work very closely with all Federal agencies, FBI, DEA, U.S. Customs.

If the occasion would arise, we would file in Federal court.

Senator **BINGAMAN**. I just have one other question on a subject that hasn't come up today, but I think it's crucial. Too what extent do we have a problem in the trafficking and use of drugs on our Indian reservations that the Federal Government is not able to adequately address?

Mr. **CURRAN**. Historically, through the years, and this could occur also on military reservations, due to the fact that they have limited resources on Indian reservations and depending upon the base commander what direction they may want to take as relates to drug abuse. Sometimes you may call it a no man's land because of the fact that you have little or no enforcement as it relates to use and possession or distribution in small quantities.

Historically on the Indian reservations we have that problem. With the limited resources that's available at the local DEA office here in Albuquerque, their threshold for case assignment is not used for possession or distribution in small amounts, so it really creates a problem. And as you know, we have the Eight Northern Pueblos that walk right up the Rio Grande valley and we've had that problem continually in the past.

Senator BINGAMAN. Does anybody else have a comment on the extent of the problem on Indian reservations?

Mr. WILSON. Mr. Chairman, Senator Bingaman, the drug problem on Indian reservations is almost insignificant compared to the alcohol problem and the fact the DEA currently only has 17 agents in this State, they're authorized 21 but they've not been able to fill those positions, they're absolutely unable to respond, not only to requests from tribal and Bureau of Indian Affairs police, but to local agencies. They can't—they've got more than they can say grace over now.

Senator BINGAMAN. So basically there is no Federal enforcement of drug laws on Indian reservations in this State?

Mr. WILSON. Except for that done by BIA, I think that's fair.

Senator BINGAMAN. Does BIA have the capability and the manpower to enforce the drug laws? I was not aware that they did.

Mr. WILSON. I don't think they have the manpower and the capability. When they do detect amounts in someone's possession, they do effect an arrest for that. But it's not a systematic approach by any means.

Mr. CURRAN. One method that's been utilized to offset this is the metro units and we have a very good metro unit that began in the Gallup area and now is housed physically in Grants. And included in that metro unit is some Federal agencies, tribal, BIA, and on a need basis, we could invite DEA in, but by utilizing a metro system of enforcement, we can go onto a reservation and conduct covert investigations as relate to drug abuse on the reservation.

Dr. KEMBLE. Mr. Chairman, one of the goals of Jim Wilson's team was to find some models, the best models, most effective models in the State of that kind of operation so they can be replicated throughout the State.

Senator BINGAMAN. Thank you.

Senator DECONCINI. Thank you very much, gentlemen. You have been very helpful to us and we appreciate your time here. We will go on to the next panel. Thank you Dr. Kemble, Mr. Wilson and——

Senator DOMENICI. Mr. Chairman, while I was out, did you tell them what I told you about the Governor?

Senator DECONCINI. No; I did not tell them. You go ahead.

Senator DOMENICI. We hope he had a really good excuse for not being here. [Laughter.]

Dr. KEMBLE. I know better than to answer that.

Senator DECONCINI. Only Senator Domenici could say that. [Laughter.]

STATEMENTS OF:

LT. JOSEPH POLISAR, COMMANDER, CAREER CRIMINALS AND REPEAT OFFENDERS, ALBUQUERQUE POLICE DEPARTMENT

MICK GUTIERREZ, ASSISTANT DISTRICT ATTORNEY, CHIEF PROSECUTOR, DRUG UNIT, THIRD JUDICIAL DISTRICT, NEW MEXICO

DR. HOWARD OVERBY, SUPERINTENDENT, PORTALES MUNICIPAL SCHOOLS

Senator DECONCINI. We will now go to the last panel here, Lt. Joseph Polisar, commander, Career Criminals and Repeat Offenders, Albuquerque Police Department; Mr. Mick Gutierrez, assistant district attorney, chief prosecutor, drug unit, the Third Judicial District of New Mexico, and Dr. Howard Overby, superintendent of Portales Municipal Schools.

Gentlemen, we ask that due to time constraints, you summarize your statements so my colleagues can ask questions. We'll start with you, Mr. Overby.

Dr. OVERBY. Thank you very much.

Senator DECONCINI. I'm sorry, if you'd move that mike around. Got to get some Federal funds for some mikes for Albuquerque— [Laughter.]

Dr. OVERBY. I'd like to thank you for this opportunity to be here. I represent a group in Portales, NM, known as Peoples' Awareness, that has been active for some 3 years now but especially active during this past year.

My comments are meant to try to illustrate some of the things that can be done by people at the local level when they join together and work together in preventing drug abuse.

We are organized and we try to operate in an organized fashion. One of the main emphasis that we have though is to try to incorporate and utilize every segment of the community and we're trying to emphasize to the community that it's no one's entire responsibility to fight the war on drug abuse. We're trying to say to the people that it's not enough to stand off and blame the public schools or the police force or whomever, but all of us have a stake in it.

What we have done is operate chiefly through the public schools, the police department, the New Mexico—Eastern New Mexico University, to focus on education to try to create an awareness of the severity of the problem. I think you'll find as you talk to many people that too many of them are willing to say it's not as serious as you would lead us to believe, or that it's someone else's job.

Through our efforts, we have worked on curriculum in the public schools, we have worked on a discipline policy for the public schools, we have gotten the community involved, parents and students, we have emphasized the necessity of cooperative effort in trying to serve as a liaison group to make sure that any one group is not going off in one direction and another in another, so as to dilute efforts, and I think this has been part of our success.

We have served as an advisory group to New Mexico—Eastern New Mexico University in submitting for a grant which was awarded in the amount of $225,000 to train parents and teachers in fighting this war. We have several programs going now. As an example, on the 19th of this month, we'll be kicking off our first major organized effort among parents who will come in as core leaders, as team participants in all this.

As I've indicated in my written testimony, Eastern New Mexico University has been chosen as the site to provide core team training for the eastern side of the State. I think part of this comes as a result of the community's effort. During this past year, perhaps the most significant thing that happened was the major emphasis month held during January where we tried to bring everybody in to—to participate in this. The major emphasis did take place in our public schools.

We brought in well-known speakers, nationally known authors, we conducted workshops, we had students in schools doing creative writing, doing posters, really building the spirit and the attitude, and tried to get parents involved. We had a major emphasis one night at our high school where we estimated 400 to 500 parents and students were out, and in this day and time I can certify to you that this is a major accomplishment to get them out and to help participate.

We launched balloons, we took out advertisements in the newspaper, we got businesses to sign a contract to advertise publicly that we're with you and we're fighting the battle. We did get national attention.

Senator Bingaman, I want you to know how greatly your efforts were appreciated and the proclamation that was delivered to the city of Portales, because one of the things that is needed is an indication that efforts like this are recognized and it means a lot.

I would recommend that whatever the efforts are at the Federal and State levels for fighting this battle that we not forget the potential power of parents and of groups like this. And I've said that even though we may have effective community groups we would want them to do everything possible to educate and facilitate and help, but not to have them accept the responsibility for saying no. Eventually, we've got to work back to the families, to homes, and to basic values that are taught regarding responsibility. Because in the end, I am the one that either says yes or no to that stuff to go in my mouth or in my bloodstream or wherever it is to go.

I think of all the things that we've tried to do is say Peoples' Awareness as a community group is here to help and to assist. But we will not accept total responsibility and we're looking at education, at change in an attitude, and I certainly concur that as some have said, we may be faced with a situation where we're going to have to raise an entirely new generation with a different attitude before we make much progress here. And that's really what we're trying to do.

PREPARED STATEMENT

And I would conclude my suggestion to you that as an advertisement goes, the night may belong to Michelob, but if it does, we're all in trouble.

[The statement follows:]

STATEMENT OF DR. HOWARD OVERBY

Honorable members of the panel and distinguished guests, I count it a high honor to be able to address you today on a subject which impacts on the lives of every person in these United States of America. Prevention of substance abuse is not only of national but international concern because people from all walks of life are literally dying and others are having their lives shattered and ruined because of the harmful effects of this malady. We have but just begun to assess the tremendous cost of substance abuse, both in terms of dollars and the loss of human potential.

While the cooperative efforts of states and of nations will be important in curbing drug trafficking, I submit to you that the people of every city, town and village must unite in a common effort to prevent the production, sale and abuse of certain durgs, and to educate their sons and daughters about the harmful effects of abusing certain substances and mind altering chemicals. This is more than a description of a group known as People's Awareness. It is the story of how numerous people in Portales, New Mexico responded to the challenge, to the call for action.

The following is a statement published by People's Awareness used to explain what People's Awareness is and what it is about:

"People's Awareness is a group of concerned citizens from all walks of life who have joined efforts to identify and make the citizens of Portales and Roosevelt County aware of the many problems facing society because of drug and alcohol abuse. The group is concerned with developing intervention and prevention programs directed toward eliminating the abuse of drugs in Roosevelt County.

People's Awareness will, from time to time help develop and provide services which deal with education, intervention, prevention, treatment and referral to agencies which provide these services. The primary emphasis, however, is upon education and the provision of information about drug and alcohol abuse.

People's Awareness is incorporated, has by-laws and operates under a board of directors. Regular meetings are held at least once per month. All interested citizens are invited to the meetings. There are several standing committees operating under the board of directors. Incorporation allows

People's Awareness to receive and expend funds and to accept gifts and donations."

It is my belief that People's Awareness as a coordinating group for the Portales community has met with more than a reasonable degree of success in its efforts to inform the community and to get all citizens involved in the war on drug abuse. I am going to outline or list some of the activities People's Awareness has promoted.

1. It has attempted to serve as a coordinating agency and clearing house for the various community groups who want to be involved in substance abuse prevention. The intent is to prevent duplication of effort and maintain a knowledge base in order to keep the public better informed.

2. It has maintained as a primary objective that all citizens must be kept informed as to the extent and seriousness of the problem, and that it is important to know what other communities are doing to combat the problem.

3. People's Awareness has served as an advisory group to Eastern New Mexico University in applying for and securing a $225,000.00 grant to train parents and teachers to take the lead in teaching about the harmful effects of certain drugs and chemicals, and to be active and involved in community-wide efforts to combat the problem.

4. It has served as an advisory group to the Portales Municipal Schools in applying for and securing approximately $12,000.00 in "Drug Free Schools" funds.

5. It has advised the public schools regarding a curriculum, discipline policy, materials, resource people and activities for teaching about the harmful effects of certain drugs, and about how to keep the schools drug free. And, perhaps most important, it has provided support to all who would take a stand against substance abuse, especially those young people who are trying to "just say no".

6. People's Awareness has, when the opportunity presented itself at city-wide functions, set up a booth and distributed information about substance abuse prevention, and the goals and objectives of this community group.

7. It has an office at City Hall which is operated by volunteer help when it is available.

8. Probably the most successful project undertaken by People's Awareness thus far was a drug-free emphasis month conducted during January, 1988. This month's activities culminated with a week of highly concentrated events wherein large numbers of parents and students were involved. Two examples of efforts for this week include bringing a nationally known author to Portales and having businesses provide over $23,000.00 worth of promotion, advertising, prizes and incentives for the month's activities.

9. People's Awareness is presently coordinating the Governor's Red Ribbon Campaign efforts in Roosevelt County.

10. It has developed a list of speakers and presentors on drug abuse and has actively, throughout the past year, used every opportunity to make presentations to civic clubs, at workshops and to any interested groups.

11. Eastern New Mexico University has just recently been chosen as the Corps Training site for the eastern side of the state for parents and teachers. I feel part of this is a result of past cooperative efforts involving the entire community.

12. Last in the list, but certainly not the least in importance, is the fact that the people in Portales, New Mexico have determined to meet on a regular basis and conduct the business of substance abuse prevention in an organized fashion; that the group has not faltered in its commitment to involve all segments of the community and value their input; that the group has determined to support one another in its fight against discouragement; and that the group readily admits up front that it does not have all the answers but is willing to learn.

OBSERVATIONS AND RECOMMENDATIONS

How beneficial and helpful is a community group like People's Awareness in preventing drug abuse and slowing or stopping drug traffic? I think it is very important and can strongly recommend a similar group for most communities. However, I would qualify my recommendations with the following:

Don't accept for the group responsibility which must belong to individuals and to families. Groups like People's Awareness can provide information, advice and support, but the individual must accept the responsibility for saying "no". Schools can teach a lot about the harmful effects of drugs but families need to be reminded of their responsibility to teach values which will enable our young and older people to say, "no".

The leadership of such a group must be committed to the cause and be able to communicate this with enthusiasm to the group and to the community on a continuous basis.

Constant attention should be given to developing and maintaining a sense of community. People need to be reminded of the positive power the group can have when motivated by a sense of community, and how each of us needs the support of the group (community). The attitude I am speaking about here will also remind me of how vulnerable I am, as are my children, to becoming part of the problem.

I would conclude by suggesting that groups and/or individuals not pretend to know more than they do. However, we do not have to apologize nor feel embarrassed about the stand we take against the abuse of drugs. We can speak confidently and forthrightly about minds that are altered and lives that are ruined because of the use and abuse of these drugs.

Senator DeConcini. Thank you. Lieutenant Polisar?

Lieutenant **Polisar**. Mr. Chairman, distinguished members of the subcommittee, it is an honor to be before you today speaking on behalf of the Albuquerque Police Department.

The Albuquerque Police Department has long known the impact of drugs on our community. In December 1985, newly appointed Chief of Police Sam Baca formed an in-house task force to examine the problems facing Albuquerque from a law enforcement perspective. As a result of the task force, the Albuquerque Police Department adopted a three-pronged attack to combat drugs.

The first step involved the formulation of a multiagency task force to investigate drug dealers at mid to upper levels. This was accomplished in July 1987 with the formulation of the Albuquerque Metropolitan Narcotics Task Force, a joint venture of the Drug Enforcement Administration, the Bernalillo County Sheriff's Department, and the Albuquerque Police Department.

The task force allowed the member agencies to combine limited resources and information to meet the ultimate goal of reducing the supply side of drugs.

The second step was in education. It was felt the police department should take a more proactive role in the education of the city's youth. A nationwide search was conducted for a program already in place with a proven record of success. The department selected the DARE program from the Los Angeles Police Department as the program to be implemented here in Albuquerque.

In this program, a uniformed officer is placed in each fifth grade class in the Albuquerque public school system. The purpose is to educate children about the effects and dangers of drugs. It is felt honest education at this level would have a positive impact on the demand side of the drug equation. As a side benefit, children would become familiar with uniformed officers. This reduces the fear and apprehension some children have of the police.

The third aspect of the plan involved the increase of the department's narcotics unit. This unit would target the lower to mid level drug dealers below the task force target, in an effort to hold the user-dealer accountable for his actions. We felt it was time to make sure the lower level dealer knew that the Albuquerque Police Department would arrest him as fast as any upper level dealer.

Since the implementation of the plan we have enjoyed limited success. This task force has been successful with several major seizures having been made by task force officers. The department's narcotics unit has increased seizures each year and currently has several forfeitures awaiting completion. The DARE unit is active and has received rave reviews from the schools system and the community.

The major problem facing the Albuquerque Police Department at this time is the critical shortage of manpower. The department's manpower has caused a decrease in the number of men assigned to the task force and the narcotics units.

At a time when law enforcement nationwide is involved in a struggle to overcome the grip of drug dealers on our society, we have been forced to commit a token force of men to this effort. This problem is not in Albuquerque alone. In discussions with several other departments throughout the Southwest, I have been told of declining assignments to the narcotics investigation units.

The Federal forfeiture statutes are a tremendous tool for local and State drug enforcement efforts. Albuquerque alone has received—has realized almost $1 million in forfeitures to be used in its war on drugs.

As effective as the tool is, law enforcement agencies are faced with delays in receipt of these funds because of shortages in the Department of Justice in clerical personnel. Additionally, agencies outside the law enforcement community have seen forfeitures as a method for funding programs not related to the narcotics effort and attempts have been made to utilize these funds for other purposes. Albuquerque has been lucky in that our mayor and city council realize the importance of narcotics investigations and have not attempted to supplant the police department's budget with seizures.

At the White House Conference for a Drug Free America, Congressman Charles Rangel made it clear to all the likelihood of increased Federal support was highly doubtful and forfeiture money was the way of the future. With education, treatment, counseling, and law enforcement competing for these limited funds, no one will have the necessary resources to effectively combat their portion of the war on drugs.

PREPARED STATEMENT

What impact have we made? The Albuquerque Police Department has steadily increased its seizures of narcotics, property, and arrests of violators in the face of decreasing resources. We continue to look for new and innovative methods of identifying and convicting those involved in the drug trade in our community. We are proud of our officers and their commitment to the safety of our citizens.

Thank you.

[The statement follows:]

STATEMENT OF LT. JOSEPH POLISAR

MR CHAIRMAN, DISTINGUISHED MEMBERS OF THE SUB COMMITTEE, IT IS, AN HONOR TO BE BEFORE YOU TODAY SPEAKING ON BEHALF OF THE ALBUQUERQUE POLICE DEPARTMENT. IN THE COURSE OF TESTIMONY RECEIVED TODAY, I AM SURE YOU WILL AGREE, DRUGS AND THE SURROUNDING ISSUES ARE ONE OF THE MOST CRITICAL PROBLEMS FACING THE CITIZENS OF THE UNITED STATES TODAY.

THE ALBUQUERQUE POLICE DEPARTMENT HAS LONG KNOWN OF THE IMPACT DRUGS HAS HAD ON OUR COMMUNITY. IN DECEMBER OF 1985, THE NEWLY APPOINTED CHIEF OF POLICE, SAM BACA, FORMED AN IN-HOUSE TASK FORCE TO EXAMINE THE PROBLEMS FACING ALBUQUERQUE FROM A LAW ENFORCEMENT PROSPECTIVE. AS A RESULT OF THE TASK FORCE, THE ALBUQUERQUE POLICE DEPARTMENT ADOPTED A THREE PRONG ATTACK TO COMBAT DRUGS.

THE FIRST STEP INVOLVED THE FORMULATION OF A MULTI-AGENCY TASK FORCE TO INVESTIGATE DRUG DEALERS AT THE MID TO UPPER LEVELS. THIS WAS ACCOMPLISHED IN JULY, 1987 WITH THE FORMULATION OF THE ALBUQUERQUE METROPOLITAN NARCOTICS TASK FORCE. A JOINT VENTURE OF THE DRUG ENFORCEMENT ADMINISTRATION, THE BERNALILLO COUNTY SHERIFF'S DEPARTMENT, AND THE ALBUQUERQUE POLICE DEPARTMENT.

THE TASK FORCE ALLOWED THE MEMBER AGENCIES TO COMBINE LIMITED RESOURCES AND INFORMATION TO MEET THE ULTIMATE GOAL OF REDUCING THE SUPPLY SIDE OF DRUGS.

THE SECOND STEP WAS IN EDUCATION. IT WAS FELT THE POLICE DEPARTMENT SHOULD TAKE A MORE PROACTIVE ROLL IN THE EDUCATION OF THE CITY'S YOUTH. A NATION WIDE SEARCH WAS CONDUCTED FOR A PROGRAM ALREADY IN PLACE WITH A PROVEN RECORD OF SUCCESS. THE DEPARTMENT SELECTED THE D.A.R.E. PROGRAM FROM THE LOS ANGELES POLICE DEPARTMENT AS THE PROGRAM TO BE IMPLEMENTED.

IN THIS PROGRAM, A UNIFORMED OFFICER IS PLACED IN EACH 5TH GRADE CLASS IN THE ALBUQUERQUE PUBLIC SCHOOL SYSTEM. THE PURPOSE IS TO EDUCATE CHILDREN ABOUT THE EFFECTS AND DANGERS OF DRUGS. IT IS FELT HONEST EDUCATION AT THIS LEVEL WOULD HAVE A POSITIVE IMPACT ON THE DEMAND SIDE OF THE DRUG EQUATION. AS A SIDE BENEFIT, CHILDREN BECOME FAMILIAR WITH THE UNIFORMED OFFICER. THIS REDUCES THE FEAR AND APPREHENSION SOME CHILDREN HAVE OF THE POLICE.

THE THIRD ASPECT OF THE PLAN INVOLVED THE INCREASE OF THE DEPARTMENTS NARCOTICS UNIT. THIS UNIT WOULD TARGET THE LOWER TO MID LEVEL DRUG DEALERS (BELOW THE TASK FORCE TARGET GROUP) IN AN

EFFORT TO HOLD THE USER/DEALER ACCOUNTABLE FOR HIS ACTIONS. WE FELT IT WAS TIME TO MAKE SURE THE LOWER LEVEL DEALER KNEW THE ALBUQUERQUE POLICE DEPARTMENT WOULD ARREST HIM AS FAST AS ANY UPPER LEVEL DEALER.

SINCE THE IMPLEMENTATION OF THE PLAN, WE HAVE ENJOYED LIMITED SUCCESS. THE TASK FORCE HAS BEEN SUCCESSFUL WITH SEVERAL MAJOR SEIZURES HAVING BEEN MADE BY TASK FORCE OFFICERS. THE DEPARTMENTS NARCOTICS UNIT HAS INCREASED SEIZURES EACH YEAR, AND CURRENTLY HAS SEVERAL FORFEITURES AWAITING COMPLETION. THE D.A.R.E. UNIT IS ACTIVE, AND HAS RECEIVED RAVE REVIEWS FROM THE SCHOOL SYSTEM AND THE COMMUNITY.

THE MAJOR PROBLEM FACING THE ALBUQUERQUE POLICE DEPARTMENT AT THIS TIME IS THE CRITICAL SHORTAGE OF MAN POWER. THE DEPARTMENTS MANPOWER SHORTAGE HAS CAUSED A DECREASE IN THE NUMBER OF MEN ASSIGNED TO THE TASK FORCE AND TO THE NARCOTICS UNIT.

AT A TIME WHEN LAW ENFORCEMENT NATION WIDE IS INVOLVED IN A STRUGGLE TO OVERCOME THE GRIP OF DRUG DEALERS ON OUR SOCIETY, WE HAVE BEEN FORCED TO COMMIT A TOKEN FORCE OF MEN TO THE EFFORT. THIS PROBLEM IS NOT IN ALBUQUERQUE ALONE.IN DISCUSSIONS WITH

SEVERAL OTHER DEPARTMENTS THROUGH OUT THE SOUTHWEST, I HAVE BEEN TOLD OF DECLINING ASSIGNMENTS TO THE NARCOTICS INVESTIGATION UNITS.

SOME OF THE SLACK HAS BEEN TAKEN UP BY OPERATION ALLIANCE, THE JOINT OPERATION BETWEEN U.S. CUSTOMS, THE DRUG ENFORCEMENT ADMINISTRATION, U.S. BOARDER PATROL, AND SEVERAL LOCAL, COUNTY, AND STATE AGENCIES. EVEN WITH THE CONCENTRATED EFFORT OF THE FEDERAL GOVERNMENT, THIS OPERATION APPEARS TO BE UNDERSTAFFED. THE DRUG ENFORCEMENT ADMINISTRATION IS IN DESPERATE NEED OF ADDITIONAL AGENTS IN THE LAS CRUSES OFFICE JUST TO HANDLE THE CASES THAT ARE GENERATED BY OPERATION ALLIANCE AND THE MAJOR VIOLATORS ARRESTED BY THE LAS CRUSES METRO NARCOTICS UNIT.

THE FEDERAL FORFEITURE STATUTES ARE A TREMENDOUS TOOL FOR LOCAL AND STATE DRUG ENFORCEMENT EFFORTS. ALBUQUERQUE ALONE HAS REALIZED ALMOST A MILLION DOLLARS IN FORFEITURES TO BE USED IN ITS WAR ON DRUGS. AS EFFECTIVE AS THE TOOL IS, LAW ENFORCEMENT AGENCIES ARE FACED WITH DELAYS IN THE RECEIPT OF FUNDS BECAUSE OF SHORTAGES IN CLERICAL PERSONNEL WITHIN THE DEPARTMENT OF JUSTICE. ADDITIONALLY, AGENCIES OUTSIDE THE LAW ENFORCEMENT COMMUNITY HAVE SEEN FORFEITURES AS A METHOD FOR FUNDING PROGRAMS NOT RELATED TO THE NARCOTICS EFFORT, AND ATTEMPTS HAVE BEEN MADE

TO UTILIZE THESE FUNDS FOR OTHER PURPOSES. ALBUQUERQUE HAS BEEN LUCKY IN THAT OUR MAYOR AND CITY COUNSEL REALIZE THE IMPORTANCE OF NARCOTICS INVESTIGATIONS AND HAVE NOT ATTEMPTED TO SUPPLANT THE POLICE DEPARTMENTS BUDGET WITH SEIZURES.

AS LONG AS CITIZENS AND LOCAL GOVERNMENTS ARE RELUCTANT TO INCREASE NARCOTICS ENFORCEMENT BUDGETS, AND WITH THE RELUCTANCE OF THE FEDERAL GOVERNMENT TO PROVIDE GRANT FUNDS, PROCEEDS FROM FORFEITURES ARE THE LAST METHOD FOR DRUG UNITS TO SUPPORT WHAT ARE OFTEN LONG TERM AND VERY EXPENSIVE INVESTIGATIONS. AT THE WHITE HOUSE CONFERENCE FOR A DRUG FREE AMERICA, CONGRESSMAN CHARLES RANGEL MADE IT CLEAR TO ALL THE LIKELIHOOD OF INCREASED FEDERAL SUPPORT WAS HIGHLY DOUBTFUL, AND FORFEITURE MONEY WAS THE WAY OF THE FUTURE. WITH EDUCATION, TREATMENT, COUNSELING, AND LAW ENFORCEMENT COMPETING FOR THE LIMITED FUNDS AVAILABLE THROUGH FORFEITURES, NO ONE WILL HAVE THE NECESSARY RESOURCES TO EFFECTIVELY COMBAT THEIR PORTION OF THE WAR ON DRUGS.

THE CONSTITUTION OF THE UNITED STATES REQUIRES A CERTAIN STANDARD OF INVESTIGATION TO BE CONDUCTED BEFORE A CITIZEN CAN BE

CONVICTED. WE IN LAW ENFORCEMENT, MUST PROVE BEYOND A REASONABLE DOUBT, THAT SOMEONE IS GUILTY OF TRAFFICKING IN

CONTROLLED SUBSTANCES. TO DO THIS, MOST JURISDICTIONS REQUIRE THREE BUYS, OR POSSESSION OF SUCH A LARGE AMOUNT THAT THERE IS NO QUESTION OF INDIVIDUALS INTENT. THE PROBLEM IN LAW ENFORCEMENT IS TO REACH THE LEVEL OF THIS DEALER. IN MOST CASES THIS IS DONE THROUGH A SYSTEM OF PURCHASING YOUR WAY TO THE POINT YOU WANT TO BE. WITH COCAINE SELLING IN THE ALBUQUERQUE AREA FOR APPROXIMATELY $20,000 TO $25,000 PER KILOGRAM, THIS IS A VERY EXPENSIVE PROCESS.

ALBUQUERQUE RECENTLY RECEIVED A CHECK FROM THE U.S. MARSHALL'S SERVICE FOR $500,000. THIS CAUSED SOME FLURRY BECAUSE OF THE RELATIVELY LARGE AMOUNT OF MONEY. BUT WHAT THE CITY DOES NOT REALIZE IS IF WE WERE TO OPERATE AT OUR OPTIMUM LEVEL, WITH FULL MANNING LEVELS, AND TOTALLY RESPONSIVE TO THE CITIZENS OF ALBUQUERQUE, THAT $500,000 WOULD LAST ABOUT ONE YEAR.

SIXTEEN YEARS AGO, THE ALBUQUERQUE POLICE DEPARTMENT WAS ON THE CUTTING EDGE OF LAW ENFORCEMENT AS ONE OF THE FIRST DEPARTMENTS IN THE COUNTRY TO RECEIVE AN L.E.A.A. GRANT FOR A LONG TERM STORE FRONT OPERATION RUN IN CONJUNCTION WITH THE FEDERAL BUREAU OF INVESTIGATION, THE DRUG ENFORCEMENT ADMINISTRATION, THE INTERNAL REVENUE SERVICE, THE NEW MEXICO STATE POLICE, AND THE BERNALILLO COUNTY SHERIFF'S DEPARTMENT. THIS OPERATION (KNOWN

AT THE MULTI-JURISDICTIONAL ORGANIZED CRIME STRIKE FORCE) WAS A TREMENDOUSLY SUCCESSFUL OPERATION. IN ITS LIFETIME IT RECOVERED STOLEN PROPERTY IN THE MILLIONS OF DOLLARS AND WAS RESPONSIBLE FOR SEVERAL LARGE SEIZURES OF DRUGS. IT RECOVERED PROPERTY FROM STOLEN T.V.'S TO THE GUIDANCE SYSTEM FOR A TORPEDO.

THE RECOVERY OF STOLEN PROPERTY MAY NOT SOUND LIKE IT WOULD HAVE AN IMPACT ON THE NARCOTICS PROBLEM, BUT I CAN ASSURE YOU THERE IS A DIRECT CORRELATION BETWEEN STOLEN PROPERTY AND NARCOTICS.

WHAT IMPACT HAVE WE MADE? THE ALBUQUERQUE POLICE DEPARTMENT HAS STEADILY INCREASED ITS SEIZURES OF NARCOTICS, PROPERTY AND ARRESTS OF VIOLATORS IN THE FACE OF DECREASING RESOURCES. WE CONTINUE TO LOOK FOR NEW AND INNOVATIVE METHODS TO IDENTIFY AND CONVICT THOSE INVOLVED IN THE DRUG TRADE IN OUR COMMUNITY. WE ARE PROUD OF OUR OFFICERS AND THEIR COMMITMENT TO THE SAFETY OF OUR CITIZENS.

Senator DECONCINI. Thank you, Lieutenant. Mr. Gutierrez.

Mr. GUTIERREZ. Senator DeConcini, Senator Bingaman, and Senator Domenici. Again on behalf of the southern part of the State of New Mexico, we appreciate you having these hearings. I'm taking the place of Lieutenant Hampton, who is the agent in charge of Metro Narcotics, the Las Cruces and Dona Ana County Metro Narcotics Agencies, a multiagency in that it has three other organizations which comprise it. The sheriff's office, Dona Ana sheriff's office, the Las Cruces' Police Department, and the New Mexico State police, work in conjunction with DEA, Customs, and the border patrol.

Some persons made comments as far as the concern about an English report which I'm not familiar with, but whether there is some type of spirit of cooperation being isolated. I'm a prosecutor. My job is, I'm a trial attorney, I try drug cases; that's what I do. And in doing that, I need the cooperation of the persons who get the work, that is, the investigators, DEA, Customs, whoever it may be. And in that capacity I've seen, at least within the 2 years that I've been doing the drug cases specifically in Dona Ana County, a great spirit of cooperation.

I've worked with—there are a couple of individuals, Jethro Val, Jim Sanders, Jim Bell, two of those have left DEA and are in other parts now, of the country. I've worked with Dale Jones of the board patrol, John Martinez, who is now in Nevada. I've worked with a number of people, and in my capacity as a prosecutor, all of you, especially you, Senator DeConcini, having been with the Pima County district attorney—you having been the district attorney there, and you, Senator Bingaman, having been the attorney general, are very aware of the need to have the persons doing the legwork to provide you with good information and to have a cooperation among different agencies if you're going to prosecute the cases.

And in Dona Ana County, I've found that. I've been to conferences, I went to one in particular where I met Mr. Nelson out of San Diego who was talking about this interdepartmental rivalry among different agencies, but I haven't seen it down there. We've been fortunate, I guess.

Some questions were raised and I'm going to try to address some of those questions since I am the last speaker. I've had the opportunity of hearing everybody else give their presentations, and I think that a lot of material has been covered. But with respect to Senator DeConcini's concern about who is bringing drugs and how is it being brought, people are bringing drugs in my experience, primarily males. I haven't had any female cases in the 2 years that I've been doing the drug cases.

As far as how it's being brought, cause I'm concerned with the southern part of New Mexico, it's being brought in in any type of conveyance you can think of. It is being brought in trucks, in panel trucks. It is being brought in automobiles, it's being brought in RV's, it's being brought in public transportation, an example being the border patrol stopped a vehicle, a bus, did an inspection and found two suitcases, one with 83 pounds and another one with 77 pounds.

It's being brought. Where it's coming from, I don't know. We meet with these people, once they've pled and we try to figure out who's bringing it, and they'll just say someone from Mexico gave it to me, or a guy I didn't know, whatever. So as far as measuring whether the activity is growing, Senator Bingaman you've raised that question, how do you measure it if you don't apprehend it; I don't know. I know that with myself having been designated by the district attorney to do nothing but drug cases, I've seen that as far as trials, we've increased probably 100 percent on just the prosecution of drug cases. Chairman DeConcini, you continue to pose a question about how does the State work—how is the State working with some Federal funds which were allocated. Myself and the district attorney wrote a proposal to get another prosecutor to do nothing but drug cases. You heard the U.S. attorney for New Mexico, Mr. Lutz, testify that AUSA's are going to be sent down there. I would think that with all this emphasis on getting more additional prosecutors that it is obvious that there's a serious drug problem there in the southern part of the State.

Commensurate with that, you heard the testimony from the various agency heads, there needs to be more resources down there. You're talking about—and I don't think this has been brought up—you're talking about 3,806 square miles in Dona Ana County, that's the area. Approximately 122,000 people, 50 miles of the border of the Republic of Mexico. So you're talking a large stretch of land there, 20 clandestine airstrips. Well, hopefully the aerostat will make an impact on that. And you're talking about three airports, none of which are manned 24 hours a day. So you're talking about an ideal situation where a lot of activity can go on where it will be unnoticed. And it's not because of the lack of efforts or enthusiasm of the law enforcement, but it's rather because of the opportunities that are available.

For example, DEA has three agents there covering this 3,000 square miles. Metro Narcotic has seven. That's along with border patrol and Customs and that's the heart of who's doing the activity down there. The sheriff's office is covering this 3,000 square miles for violations of the State ordinances, State statutes. The Las Cruces Police Department is concerned with the 60,000 residents there in Las Cruces. So I think all the speakers have brought home that additional resources are definitely needed and those resources that have been allocated are being used and I think they're being used effectively.

Finally, one of the speakers just made the comment that we will not see progress in this immediately, and I think that's what we need to keep in mind. The press or whomever are constantly wanting to see immediate results, but I think they're talking about generations, we're talking about something that has inundated the American society and it's now going to take a long time to change. My daughter—I just mentioned this to Mr. Lutz—my daughter asked me, "Dad, I saw a police officer. How come he smokes?" Just consider that. She wants to know, because I'm telling her that drugs are illegal, you don't use them. Yet she sees on TV a report that came out that smoking nicotine is habit forming, and asks why do police officers smoke?

So I thank you again for coming down here and listening to us.

Senator **DeConcini**. Thank you, Mr. Gutierrez. Your testimony is very helpful. Thank you for kind of winding up with some of those things that had not been addressed.

We've run out of time and I have no other questions. I yield to the Senator from New Mexico.

Senator **Bingaman**. Thank you. Let me, first compliment Dr. Overby for the program that he's instituted in Roosevelt County. I do think it's been a tremendous success and hope it continues. I hope it can be emulated by a lot of other communities in our State and around the country.

Lieutenant Polisar, you've suggested that you have adopted the DARE program as one of the three parts of your plan. You also indicated that there's a great shortage of people available for implementing some of this program. How many fifth grade students do you estimate were exposed to some type of training through the DARE program last year?

Lieutenant **Polisar**. Senator, I don't know if I could give you an accurate number. I know that the DARE program is designed to address all of the fifth, grade students within the Albuquerque public school system, so whatever that figure is, that is the number of students that we in the Albuquerque Police Department are addressing.

Senator **Bingaman**. So you actually do make the presentation to every fifth, grade class in the school district?

Lieutenant **Polisar**. That is the design of the DARE program. A uniformed officer is assigned to make presentations to every fifth grade class.

Senator **Bingaman**. But is that just the design of the program, or is it actually being implemented?

Lieutenant **Polisar**. It is being implemented, sir.

Senator **Bingaman**. Have you been involved in the program long enough to make an assessment as to whether it is having some impact?

Lieutenant **Polisar**. As I believe I stated in my earlier testimony, the response from the community, from the students themselves, from the teachers who are present, has been nothing short of phenomenal, very, very supportive of the program and it seems to be working very well.

Senator **Bingaman**. I mentioned to Senator DeConcini less than 2 days ago that I had lunch with Bob Morgan, the former Senator from North Carolina, who is now head of the State Bureau of Investigation for the State of North Carolina and they have implemented the DARE program there. He said that last year they reached 20,000 students. This year, with more than $200,000 from the State legislature, they're expanding the program and hope to reach, about 50,000 students.

Senator **DeConcini**. It's an outstanding program, Senator. Arizona, my State, has done 29,000 last year.

Senator **Bingaman**. Well, that's something. It would be interesting to know to what extent other law enforcement agencies, besides the Albuquerque Police Department, are involved in this program.

Lieutenant **Polisar**. I believe that within the State of New Mexico, several other police departments and agencies have contacted ours to see how successful ours has been, and hopefully start it in their communities also.

Mr. GUTIERREZ. Senator, I know for a fact that the Las Cruces Police Department is also doing it by way of a drug program. I know they've gone to my daughter's school and addressed the drug issue.

Senator BINGAMAN. Well, those are the questions I had. I appreciate your testimony very much.

Senator DECONCINI. Dr. Overby, you raised a very good point, that we have got to maybe find a whole new generation here, and indeed, it is a question of more than just enforcement. It's a question of attitude and getting young people prepared to make a choice so they know what they're doing.

Have you been able to detect any peer pressure in opposition to drugs from any groups that you might have met in conferences or by talking to students?

Dr. OVERBY. Yes; I believe I do. If I could go back 8 or 10 years to Grants, NM, where I was superintendent prior to going to Portales, we were about to lose a high school and we decided on what we called then a get tough policy. It wasn't zero tolerance, I guess, but essentially what that was was to get a good policy in place, get the backing of the board of education and the police department and as much of the community as possible.

And if a student was caught with drugs, using or abusing in any form or fashion, we went for long-term suspension and prior to doing that we had tried counseling and cajoling and pleading and all the approaches and it wasn't working. Maybe it was our fault students were out of class and going every which way.

After we instituted the get tough policy——

Senator DOMENICI. Does that mean suspending them?

Dr. OVERBY. That meant suspending them long term, for the rest of the semester. And on a second or third offense, expulsion, out for good. We turned the high school around. We turned an attitude around on the part of most of the students. We didn't reach them all. And to a large extent we turned the attitude of the community around to more acceptance, more support. A principal could walk across the campus and instead of getting the finger from groups of high school students, they would talk and they would stand up in support.

We had a police officer on campus as a liaison-type person, a counselor-type person to work with the students. Now bringing this same attitude to Portales, NM, what I think we've learned from that is that you've got to try to change the whole dynamics and the whole support system so that the in thing to do is to say no, to stand up to be counted. So when you change those dynamics so that the majority of the people are supporting the good guys or the drug free kids, then it becomes a popular thing.

Senator DOMENICI. And are you finding that the case in Roosevelt County?

Dr. OVERBY. That's what I'm saying. I'm finding that to be the case.

Senator DECONCINI. We have a school in Phoenix where the principal started that kind of program with the superintendent's support. He expelled several students, but he got them all interested in the program first, and then the school was just literally drug free. It worked.

I have no further questions. Senator Domenici?

Senator DOMENICI. Well, I just wanted to do two things up front. Dr. Overby, I want to congratulate you on your program and I'm very proud of what you're doing. Lieutenant Polisar, also, you know that I've been a supporter of DARE and I compliment you for it. We should state here publicly that it is an international program, surely national and now even growing internationally. And we don't know how to measure its success but clearly it is a very exciting endeavor. Albuquerque is working very hard at it I gather we have eight schools that are in this program here, is that right?

Lieutenant POLISAR. I believe so, yes, sir.

Senator DOMENICI. I wanted to ask on that program, you said it might be suffering from a lack of personnel. Do you know how many personnel are assigned to that program by the Albuquerque Police Department?

Lieutenant POLISAR. I believe there were six officers assigned to the DARE——

Senator DOMENICI. Full time?

Lieutenant POLISAR. Full time, sir.

Senator DOMENICI. Dr. Overby, there is in the legislation that we have introduced, and in the core antidrug legislation that will have bipartisan support, a provision for the drug-free schools that's a little different than we've had in the past. It would call for a national conference to set up a uniform approach to drug-free schools so that schools would have the peer school pressure. If the whole of New Mexico adopted this code and everybody was going to do it in the schools, then maybe it would be adopted thereafter nationally.

Does that make sense to you, for us to try to draw something national that would enforce a uniform, drug-free school proposition across the country?

Dr. OVERBY. Yes; it does, and I would recommend that you look at bringing together the various groups and forces, much as SAD, MAD, PRIDE, DARE, and that's not to say that they should lose their individual direction necessarily, but so that they know that there's a common thread and all of us have the same objective and basically the same approach built on a firm base. So with that I would say most certainly it makes sense.

Senator DOMENICI. Maybe what we ought to do, Mr. Chairman, is with your permission, could we send him that proposal? I think it's drafted, and maybe we ought to get it to you over the weekend. I don't think you'll have time for a written response but maybe you could look at it and get to Jeff's office or mine with your thoughts on it.

CONCLUSION OF HEARING

Senator DECONCINI. Gentlemen, thank you. That testimony was very helpful. I want to thank Senator Domenici and Senator Bingaman. I also want to express the deep appreciation of those of us on the Appropriations Committee of the Senate, to the Albuquerque Technical-Vocation Institute and the Albuquerque School Board, for allowing us to use these outstanding facilities. We were most appreciative of that.

I want to thank Carrie Billy of Senator Bingaman's staff for putting these hearings together and for technical support from Senator Bingaman and Senator Domenici.

The subcommittee will stand in recess subject to call of the chairman.

[Whereupon, at 12 noon, the hearing was concluded, and the subcommittee was recessed, to reconvene at the call of the Chair.]

○

94-410 (100)